

federal register

THURSDAY, NOVEMBER 18, 1976



highlights

PRIVACY ACT COMPILATION NOTICE TO FEDERAL AGENCIES

The Office of the Federal Register is now releasing to print the 1976 Compilation of Privacy Act Issuances.

As required by 5 U.S.C. 552a(f), the Compilation volumes will contain the full text of systems of records and implementing regulations for those agencies that have complied with the annual publication requirements of 5 U.S.C. 552a(e)(4).

It is anticipated that the entire Compilation will consist of five volumes. Should your agency wish to order overruns of any or all of the volumes, the authorized printing officer should make arrangements with the Planning Service Requisition Desk, Room C830, Government Printing Office, Washington, D.C. 20402. The cutoff date for submission of rider requisitions is November 30, 1976.

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Weekly Briefings at the Office of the
Federal Register

(For Details, See 41 FR 46527, Oct. 21, 1976)

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Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority; Correction

In FR Doc. 76-2641 appearing at page 4251 in the FEDERAL REGISTER of January 29, 1976, paragraph "(a) (30)" of § 2.51 is corrected to read "(a) (31)."

Dated: November 12, 1976.

RICHARD L. FELTNER,
Assistant Secretary for

Marketing and Consumer Services.

[FR Doc. 76-34028 Filed 11-17-76; 8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

PART 47—RULES OF PRACTICE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

Duties and Responsibilities of Administrative Law Judges; Correction

In FR Doc. 73-23462 appearing at page 30444 in the FEDERAL REGISTER of November 5, 1973, paragraph (d) of § 47.19 was inadvertently omitted. The omitted paragraph originally appeared as paragraph (d) of § 47.19 in FR Doc. 72-6938 at page 9201 in the FEDERAL REGISTER of May 6, 1972 and should have been included as part of § 47.19 in FR Doc. 73-23462. Therefore, in FR Doc. 73-23462, § 47.19 appearing on page 30445 is corrected by inserting between paragraphs (c) and (e) paragraph (d) as follows:

§ 47.19 Post-hearing procedure before the examiner.

(d) *Claim for award of fees and expenses*—(1) *Filing*. Prior to the close of the hearing, or within 20 days thereafter, each party may file with the examiner a claim for the award of the fees and expenses which he incurred in connection with the oral hearing. No award of fees and expenses to the prevailing party and against the losing party shall be made unless a claim therefor has been filed, and failure to file a claim within the time allowed shall constitute a waiver thereof.

(2) *Fees and expenses which may be awarded to prevailing party*. The term "fees and expenses," as used in section 7(a) of the act, includes: (i) Reasonable fees of an attorney or authorized representative for appearance at the hearing and for the taking of depositions necessary for introduction at the hearing; (ii) fees and mileage for necessary witnesses at the rates provided

for witnesses in the courts of the United States; (iii) fees for the notarizing of a deposition and its reduction to writing; (iv) fees for serving subpoenas; and (v) other fees and expenses necessarily incurred in connection with the oral hearing. Fees and expenses which are not considered to be reasonable or necessarily incurred in connection with the oral hearing will not be awarded.

(3) *Form of claim*. A claim for fees and expenses shall be in the form of a written itemized statement of the fees and expenses claimed, which shall include an explanation of how each item was computed, to which there shall be attached an affidavit, made by the party or his authorized attorney or agent having knowledge of the facts, that each such item is correct and has been necessarily incurred in connection with the oral hearing in the proceeding and that the services for which fees are claimed were actually and necessarily performed.

(4) *Service of claim*. A copy of each such claim filed shall be served by the examiner on the other party or parties to the proceeding.

(5) *Objections to claim*. Within 10 days after being served with a copy of a claim for fees and expenses, the party so served may file with the examiner written objections to the allowance of any or all of the items claimed. If evidence is offered in support of an objection it must be in affidavit form. A copy of any such objections shall be served by the examiner on the other party or parties.

(6) *Reply to objections to claim*. A claimant who is served with a copy of objections to his claim may, within 10 days after such service, file with the examiner a reply to such objection. If evidence is offered in support of a reply it must be in affidavit form. A copy of any such reply shall be served by the examiner on the other party or parties.

(7) *Further inquiry by examiner*. Whenever it is deemed desirable or necessary for the proper disposition of a claim, the examiner may request statements as to specific matters from either or both parties. Any statements so furnished shall be served by the examiner on the other party.

(8) *Number of copies*. All documents or papers authorized by this paragraph to be filed with the examiner shall be filed in triplicate: *Provided*, That, where there are more than two parties to the proceeding an additional copy shall be filed for each additional party.

Done at Washington, D.C., this 12th day of November 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc. 76-34027 Filed 11-17-76; 8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 387]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period November 19-25, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.687 Navel Orange Regulation 387.

(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information. It is hereby found that the limitation of handling of such Navel oranges, as herein-after provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is good on limited supplies. Prices f.o.b. averaged \$5.59

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a carton on a reported sales volume of 121 cartons last week, compared with \$6.45 per carton on sales of 24 cartons a week earlier.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 16, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 25, 1976, through November 25, 1976, are hereby fixed as follows:

- (i) District 1: 910,000 cartons;
- (ii) District 2: Unlimited movement; and
- (iii) District 3: 90,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: November 17, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 76-34367 Filed 11-17-76; 11:40 am]

Title 12—Banks and Banking
CHAPTER III—FEDERAL DEPOSIT
INSURANCE CORPORATION
SUBCHAPTER B—REGULATIONS AND
STATEMENTS OF GENERAL POLICY
PART 329—INTEREST ON DEPOSITS

Keogh (HR 10) Plans

1. In December 1975 the Board of Directors ("The Board") of the Federal Deposit Insurance Corporation ("The FDIC") adopted an amendment to § 329.4(d) of FDIC's regulations governing the payment of interest on deposits (12 CFR § 329.4(d)). The amendment was published at 40 FR 51778. It provides an exception from the penalty provisions embodied in § 329.4(d) in the case of withdrawal of a time deposit prior to maturity where the deposit consists of funds contributed to an Individual Retirement Account ("IRA") and withdrawal takes place when the depositor reaches age 59½ or thereafter, or upon the depositor's becoming disabled within the meaning of 26 U.S.C. § 72(m) (7). By virtue of separate exceptions to § 329.4(d), early withdrawal without penalty is permitted upon the depositor's death.

Sections 329.6 and 329.7 of FDIC's regulations (12 C.F.R. §§ 329.6 and 329.7) were also amended to waive the \$1,000 minimum amount requirement on 4- and 6-year time deposits in the case of deposits consisting of funds contributed to an IRA. It was contemplated that funds contributed to such an account would, over time, accumulate substantially and eventually far exceed the \$1,000 minimum.

The purpose of the for going amendments was to avoid conflict with the provisions of the Employee Retirement Income Security Act ("ERISA"). That Act provides for IRAs and provides for discretionary distribution of funds in an IRA at age 59½ without imposing substantial tax penalties on such a distribution. The amendments to § 329.4(d) permit such discretionary distributions without penalty to the depositor where funds in an IRA are in a time deposit which has not yet matured.

Since the adoption of the above amendment, the FDIC has been urged to create a similar exception from the withdrawal penalties for Keogh (H.R. 10) plans. Since the purposes behind Keogh plans are similar to those underlying IRAs, the Board sees no purpose in allowing an exception for IRAs while not allowing a corresponding exception for Keogh plan funds in time deposits. Therefore, the Board is adopting an amendment to § 329.4(d) which will extend the exception to Keogh plan funds. The amendment is effective immediately and parallels similar amendments adopted by the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board.

The Board is making corresponding amendments to §§ 329.6 and 329.7 waiving the \$1,000 minimum for 4- and 6-year time deposits in the case of Keogh plans as well as IRAs.

In making the foregoing amendments, the Board expresses no opinion as to the propriety of depositing Keogh plan funds in time deposits of less than \$100,000 as opposed to other investment media.

2. Section 329.4(d) of Chapter III of Title 12 of the Code of Federal Regulations is amended by deleting the last sentence thereof and substituting the following sentence:

§ 329.4 Payment of time deposits before maturity.

(d) *Penalty on payment of time deposits before maturity.* * * *

The prohibitions contained in this paragraph (d) shall not apply to a time deposit consisting of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. § 408 or to a Keogh (H.R. 10) plan established pursuant to 26 U.S.C. § 401 where the individual for whose benefit the account is maintained is 59½ years of age or older or has become disabled within the meaning of 26 U.S.C. § 72(m) (7).

3. Section 329.6 of Chapter III of Title 12 of the Code of Federal Regulations is amended by deleting footnote 13a thereto and substituting a new footnote 13a as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than insured nonmember mutual savings banks.¹³

(b) *Deposits of less than \$100,000.* * * *
(2) *Deposits of \$1,000 or more with maturities of four years or more.*^{13a} * * *

4. Section 329.7 of Chapter III of Title 12 of the Code of Federal Regulations is amended by deleting footnote 14b thereto and substituting a new footnote 14b as follows:

§ 329.7 Maximum rates of interest or dividends payable on deposits by insured nonmember mutual savings banks.¹⁴

(b) *Maximum rates payable.* * * *
(4) *Time deposits of \$1,000 or more with maturities of four years or more.*^{14b} * * *

(Sec. 9, 64 Stat. 881, 12 U.S.C. 1810; Sec. 10, 64 Stat. 891, 80 Stat. 824, 12 U.S.C. 1828(g))

¹³ * * *
^{13a} The \$1,000 minimum denomination requirement does not apply to time deposits consisting of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. § 408 or to time deposits consisting of funds contributed to a Keogh (H.R. 10) plan established pursuant to 26 U.S.C. § 401.

¹⁴ * * *
^{14b} The \$1,000 minimum denomination requirement does not apply to time deposits consisting of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. § 408 or to time deposits consisting of funds contributed to a Keogh (H.R. 10) plan established pursuant to 26 U.S.C. § 401.

5. Since these amendments relax restrictions imposed by prior regulations, the requirements of §§ 553(b) and 553(d) of Title 5 of the United States Code and §§ 302.1, 302.2, and 302.5 of the Rules and Regulations of the Federal Deposit Insurance Corporation with respect to notice, public participation, and deferred effective date were not followed in connection with their promulgation.

6. Effective Date: These amendments are effective immediately.

By order of the Board of Directors, November 12, 1976.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-34054 Filed 11-17-76;8:45 am]

Title 14—Aeronautics and Space
CHAPTER 1—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-NW-23-AD; Amendment 39-2771]

PART 39 AIRWORTHINESS DIRECTIVES

Boeing Model 727-100/100C Series
Airplanes

Amendment 39-2720 (41 FR 38759), AD 76-18-11, as amended by Amendment 39-2736 (41 FR 43713) requires inspections of the aft cargo door lowest side stop fittings and repair/replacement, as necessary, on Boeing Model 727-100 and 727-100C series airplanes, line numbers 1 through 400 inclusive. After issuing Amendment 39-2736, cracks were detected in the stop fittings at different locations than for which the AD was issued. These cracks initiated in the flange which attaches to the door transverse beam. The cracked fittings were accompanied with cracked door frames in the outboard radius. The cracking was detected after reports of inability to maintain pressurization in flight. One airplane had cracks in both the lowest and second from lowest forward fittings and frame. Therefore, the AD is being amended to require visual inspections for cracks in the four lowest side stop fittings (two forward and two aft) and the attaching door frame structure. The eddy current inspection is being deleted from the AD as it applies only to the externally exposed portion of the stop fitting.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulation, Amendment 39-2720 (41 FR 38759) AD 76-18-11 as amended by Amendment 39-2736 (41 FR 43713) is amended as follows:

1. By amending paragraphs A to read as follows: "Within the next 500 flights from the effective date of this amendment, unless accomplished within the last 500 flights, visually inspect the aft cargo door for cracks in the four (4) lowest side stop fittings (two forward and two aft) and the attaching door frame structure in accordance with Boeing Alert Service Bulletin No. 727-52-A102, Revision 2, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repeat visual inspections of the lowest forward and aft side fittings (total of two) and adjacent door frame structure at intervals not to exceed 1000 flights from the last inspection."

2. By striking out paragraph B, redesignating paragraph C as paragraph B, and striking out the words "external" from paragraph 2b and 2c.

3. By redesignating paragraphs D, E, and F as paragraphs C, D, and E, respectively.

4. By amending new paragraph C to read as follows: "Replacement of a lowest side stop fitting with a new steel fitting in accordance with Boeing Alert Service Bulletin No. 727-52-A102, Revision 2, or later FAA approved revisions, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action for this AD at that fitting, provided the adjacent fitting and attaching door frame were are inspected and found to be crack-free in accordance with Revision 2 to the service bulletin or equivalent."

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a) (1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective November 29, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

The incorporation by reference provisions in the documents were approved by the Director of the FEDERAL REGISTER on June 19, 1967.

Issued in Seattle, Washington, November 9, 1976.

J. H. TARNER,
*Acting Director,
Northwest Region.*

[FR Doc.76-33852 Filed 11-17-76;8:45 am]

[Docket No. 76-GL-22, Amdt. 39-2772]

PART 39—AIRWORTHINESS DIRECTIVE
Bellanca Models 17-30, 17-30A, 17-31,
17-31A

There have been failures of the exhaust system on Bellanca Model 17-30A airplanes that could result in cabin air contamination and heat damage to components in the nacelle. Since this condi-

tion is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require periodic inspection of the exhaust system on Bellanca Models 17-30, 17-30A, 17-31, and 17-31A airplanes.

Since a situation exists that requires immediate adoption of this regulation it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BELLANCA. Applies to Bellanca Models 17-30, serials 30-139 thru 30-262, 17-30A, serials 30-263 and up, 17-31, serials 32-1 thru 32-14, and 17-31A, serials 32-15 and up, airplanes certificated in all categories.

For airplanes with 200 or more hours time in service on the effective date of this AD, compliance is required within the next 10 hours time in service and thereafter at intervals not to exceed 100 hours time in service.

For airplanes with less than 200 hours time in service on the effective date of this AD compliance is required before the accumulation of 210 hours time in service and thereafter at intervals not to exceed 100 hours time in service.

To prevent exhaust system failures which could result in cabin air contamination and heat damage to components in the nacelle accomplish the following:

(A) Visually inspect the muffler and tailpipe assemblies for cracks paying particular attention to the ball joint welds and the outlets of the muffler and resonator. Replace defective assemblies with serviceable assemblies of the same part numbers.

(B) Inspect the exhaust system for freedom of movement at the ball joints by removing the tailpipe support bolts. When the bolts are removed:

(1) The left tailpipe assembly must drop from its supported position unassisted.

(2) The right tailpipe assembly must move from its supported position when a two pound force is applied one inch below the resonator can 90° to the axis of the resonator, i.e., the assembly must move when a two pound pull is applied one inch below the resonator can forward and down.

(3) If greater forces than the above are required:

(a) Disassemble the ball joint and inspect for surface abnormalities such as galling or wear marks.

(b) Rework the ball joints as required to correct noted discrepancies.

(c) Reassemble the ball joint. Do not overtighten the clamp as this may distort ball surfaces.

(4) Repeat (B)(1) thru (B)(3) as required until compliance with (B)(1) and (B)(2) is demonstrated.

This amendment becomes effective November 23, 1976.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on November 9, 1976.

LEON C. DAUGHERTY,
*Acting Director,
Great Lakes Region.*

[FR Doc.76-33981 Filed 11-17-76;8:45 am]

[Airspace Docket No. 76-CE-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Control Zone**

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Omaha, Nebraska (Offutt AFB) control zone. •

The existing ILS serving Runway 30 at Offutt AFB is being decommissioned December 31, 1976, and is being replaced with a new solid state ILS without the installation of an Outer Marker. In addition, the TACAN radial used in the present designation is incorrect. Accordingly, it is necessary to make minor changes to the Omaha (Offutt AFB) control zone designation to delete reference to the Outer Marker and to provide the correct radial.

Since these changes are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the changes may be accomplished by Final Rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 30, 1976, as hereinafter set forth:

In § 71.171 (40 FR 354), the following control zone is amended to read:

OMAHA, NEBRASKA (OFFUTT AFB)

Within a 5 mile radius of Offutt Air Force Base (latitude 41°07'20" N., longitude 95°54'35" W.); within 2 miles each side of the Offutt AFB TACAN 310 radial, extending from the 5 mile radius zone to 7 miles NW of the TACAN; within 2 miles each side of the Offutt AFB VOR 310 radial, extending from the 5 mile radius zone to 1 mile NW of the VOR; and within 2 miles each side of the Offutt AFB ILS localizer SE course, extending from the 5 mile radius zone 2.4 miles.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)).)

Issued in Kansas City, Missouri, on October 19, 1976.

JOHN E. SHAW,

Acting Director, Central Region.

[FR Doc.76-33982 Filed 11-17-76; 8:45 am]

[Airspace Docket No. 76-SW-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Transition Area**

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Hammond, La., transition area. •

On September 30, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 43184) stating the Federal Aviation Administration proposed to alter the Hammond, La., transition area.

Interested persons were afforded an opportunity to participate in the rule-

making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, February 24, 1977, as hereinafter set forth.

In § 71.181 (41 FR 440), the Hammond, La., transition area is amended as follows:

HAMMOND, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hammond Municipal Airport (latitude 30°31'15" N., longitude 90°25'00" W.) within 2.5 miles either side of the Hammond VOR 354° radial extending 2 miles from the 5-mile radius, and within 2.5 miles either side of the Hammond VOR 128° radial extending 2 miles from the 5-mile radius.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on November 10, 1976.

PAUL J. BAKER,

Acting Director, Southwest Region.

[FR Doc.76-33984 Filed 11-17-76; 8:45 am]

[Docket No. 16259; Amdt. No. 1047]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**Recent Changes and Additions**

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment,

I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

§ 97.23 [Amended]

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective January 13, 1977.

Merced, CA—Merced Municipal Arpt., VOR Rwy 30, Amdt. 10.

Santa Rosa, CA—Sonoma County Arpt., VOR Rwy 32, Amdt. 9.

* * * effective January 6, 1977:

Lake City, FL—Lake City Muni Arpt., VOR/DME-A, Amdt. 1.

Quincy, IL—Quincy Municipal Baldwin Field, VOR Rwy 3, Amdt. 7.

Quincy, IL—Quincy Municipal Baldwin Field, VOR/DME Rwy 21, Amdt. 2.

Columbia, MO—Columbia Regional Arpt., VOR Rwy 20, Amdt. 6.

Somerville, NJ—Somerset Arpt., VOR Rwy 8, Amdt. 8.

Beaver Falls, PA—Beaver County, VOR Rwy 28, Amdt. 5.

Grove City, PA—Grove City Arpt., VOR-A, Amdt. 1.

Hilton Head Island, SC—Hilton Head Arpt., VOR/DME-A, Amdt. 5.

* * * effective December 30, 1976:

Gainesville, FL—Gainesville Muni Arpt., VOR-A, Amdt. 6.

Jacksonville, FL—Craig Muni Arpt., VOR Rwy 13, Amdt. 1.

Jacksonville, FL—Craig Muni Arpt., VOR Rwy 31, Amdt. 3.

Panama City, FL—Panama City-Bay County Arpt., VOR Rwy 14, Amdt. 9.

Elgin, IL—Elgin Arpt., VOR Rwy 38, Amdt. 3.

Manhattan, KS—Manhattan Muni Arpt., VOR/NDB Rwy 3, Amdt. 8.

Manhattan, KS—Manhattan Muni Arpt., VOR-H, Amdt. 7.

Ely, NV—Ely Airport-Yelland Field, VOR-A, Amdt. 3.

San Antonio, TX—San Antonio Int'l Arpt., VOR Rwy 17, Amdt. 22, cancelled.

2. Section 97.25 is amended by originating, amending or canceling the following SDF-LOC-LDA SIAPs, effective January 6, 1977.

Quincy, IL—Quincy Municipal Baldwin Field, LOC/DME(BC), Rwy 21, Amdt. 1.

Columbia, MO—Columbia Regional Arpt., LOC(BC), Rwy 20, Amdt. 3.

* * * effective December 30, 1976:

Bethel, AK—Bethel Arpt., LOC/NDB Rwy 18, Original.

Bethel, AK—Bethel Arpt., LOC/NDB(BC), Rwy 36, Original.

Jacksonville, FL—Jacksonville Int'l Arpt., LOC BC Rwy 31, Amdt. 2.

Akron, OH—Akron-Canton Regional Arpt., LOC(BC) Rwy 19, Amdt. 6.

* * * effective December 16, 1976:

Galesburg, IL—Galesburg Municipal Arpt., LOC Rwy 2, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective January 6, 1977.

Quincy, IL—Quincy Municipal Baldwin Field, NDB Rwy 3, Amdt. 11.
Columbia, MO—Columbia Regional Arpt., NDB Rwy 2, Amdt. 3.
Medford, WI—Taylor County Arpt., NDB Rwy 33, Amdt. 1.

*** effective December 30, 1976:

Sanford, FL—Sanford Arpt., NDB Rwy 9, Amdt. 5.
Titusville, FL—Titusville-Cocoa Arpt., NDB Rwy 18, Amdt. 5.
Manhattan, KS—Manhattan Municipal Arpt., NDB/VOR-A, Amdt. 11.
San Antonio, TX—San Antonio Int'l Arpt., NDB Rwy 21L, Amdt. 1, cancelled.
Hartford, WI—Hartford Muni Arpt., NDB Rwy 11, Original.

*** effective November 25, 1976:

Grand Rapids, MN—Grand Rapids Itasca County, NDB Rwy 34, Original.

*** effective November 5, 1976:

Crescent City, CA—Jack McNamara Field, NDB Rwy 11, Original, cancelled.
Laredo, TX—Laredo Int'l Arpt., NDB Rwy 17C, Amdt. 2.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective January 13, 1977.

Merced, CA—Merced Municipal Arpt., ILS Rwy 30, Amdt. 2.
Santa Rosa, CA—Sonoma County Arpt., ILS Rwy 32, Amdt. 3.

*** effective January 6, 1977:

Quincy, IL—Quincy Municipal Baldwin Field, ILS Rwy 3, Amdt. 11.
Columbia, MO—Columbia Regional Arpt., ILS Rwy 2, Amdt. 4.

*** effective December 30, 1976:

Panama City, FL—Panama City-Bay County, ILS Rwy 14, Amdt. 9.
Akron, OH—Akron-Canton Regional Arpt., ILS Rwy 1, Amdt. 27.

*** effective November 25, 1976:

Grand Rapids, MN—Grand Rapids Itasca County, MLS Rwy 34 (Interim), Original.
Winona, MN—Winona Municipal Max Conrad Field, MLS Rwy 29 (Interim), Original.

*** effective November 5, 1976:

Laredo, TX—Laredo Int'l Arpt., ILS Rwy 17C, Amdt. 2.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective January 6, 1977.

Quincy, IL—Quincy Municipal Baldwin Field, RNAV Rwy 13, Amdt. 1.
Quincy, IL—Quincy Municipal Baldwin Field, RNAV Rwy 31, Amdt. 1.
Columbia, MO—Columbia Regional Arpt., RNAV Rwy 20, Amdt. 1.
Hilton Head Island, SC—Hilton Head Arpt., RNAV Rwy 3, Amdt. 2.
Hilton Head Island, SC—Hilton Head Arpt., RNAV Rwy 21, Amdt. 2.

*** effective December 30, 1976:

Jacksonville, FL—Craig Muni Arpt., RNAV Rwy 31, Amdt. 4.
Sanford, FL—Sanford Arpt., RNAV Rwy 9, Amdt. 6.
Carlsbad, NM—Cavern City Air Terminal, RNAV Rwy 14R, Original.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510,

and Sec. 8(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on November 11, 1976.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969; (35 FR 5610).

[FR Doc.76-33983 Filed 11-17-76;8:45 am]

Title 15—Commerce and Foreign Trade
CHAPTER X—FOREIGN DIRECT INVESTMENTS, DEPARTMENT OF COMMERCE
REVOCATION OF CHAPTER X

Notice is hereby given that since the Department of Commerce no longer requires the present Chapter X of Title 15 CFR Parts 1020-1050 to carry out its duties and responsibilities, the present Chapter X of Title 15 CFR is revoked. Since this notice relates to agency organization, it is effective immediately.

JOSEPH E. KASPUTYS,
Assistant
Secretary for Administration.
[FR Doc.76-34043 Filed 11-17-76;8:45 am]

Title 16—Commercial Practices
CHAPTER I—FEDERAL TRADE COMMISSION
[Docket No. 8020]
PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Creative Replacements, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly: § 13.135 Nature of product or service; § 13.155 Prices; § 13.155-5 Additional charges unmentioned; § 13.170 Qualities or properties of product or service; § 13.170-24 Cosmetic or beautifying; § 13.170-30 Durability or permanence; § 13.190 Results; § 13.195 Safety; § 13.205 Scientific or other relevant facts. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-10 Corrective advertising; § 13.533-20 Disclosures; § 13.533-55 Refunds. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 Guarantees; § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts—Prices: § 13.1778 Additional costs unmentioned. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1863 Limitations of product; § 13.1870 Nature; § 13.1882 Price; § 13.1882-10 Additional prices unmentioned; § 13.1885 Qualities or properties; § 13.1890

Safety; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 Guarantee, in general; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

In the Matter of Creative Replacements, Inc., a corporation, and Nu-Hair Replacement Center, Inc., a corporation, doing business as Nu-Hair Replacement Centres International Ltd., and United Hair Extension, Inc., a corporation, doing business as Permanent International, and Nu-Hair International of Atlanta, Inc. a corporation, doing business as Nu-Hair International of Atlanta, and Nu-Hair International of Boston, Inc., corporation, and Jerome Schrank, and Arthur L. Mazur, and Michael B. Kaufman, individually and as officers and/or directors of said corporations, or any of them.

Consent order requiring a Brooklyn, N.Y., manufacturer and seller of hair replacement products, among other things to cease misrepresenting guarantees, appearance, durability, care and safety of their hair replacement implant systems; failing to disclose that the system involves surgical procedures which can result in pain, infection, scarring and skin disorders, and requires continuing special care. Additionally, the order requires that prospective customers be advised to seek medical consultation prior to purchase of implant systems; that 15 percent of all advertisements be devoted to warning disclosure statements; and provides for a "cooling-off" period during which customers may cancel their contracts without forfeiting their deposits. The order to cease and desist, including further order requiring report of compliance therewith, is as follows:²

ORDER

It is ordered, That respondents Creative Replacements, Inc., a corporation, Nu-Hair Replacement Center, Inc., a corporation, doing business as Nu-Hair Replacement Centres International, Ltd., United Hair Extension, Inc., a corporation, doing business as Permanent International, Nu-Hair International of Atlanta, Inc., a corporation, doing business as Nu-Hair International of Atlanta, Nu-Hair International of Boston, Inc., a corporation, their successors and assigns, and their officers, and Jerome Schrank (AKA Jerry Jay), Michael B. Kaufman, and Arthur L. Mazur, individually and as officers and/or directors of said corporation, or any of them, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising,

² Copies of the Complaint and the Decision and Order filed with the original document.

offering for sale, sale, or distribution of an implant hair replacement system (hereinafter sometimes referred to as the "System"), or other hair replacement product or process involving surgery, (hereinafter sometimes referred to as the "System") do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly:

(a) That the System does not involve wearing a device or cosmetic which is like a hairpiece or toupee;

(b) That after the System has been applied, the hair applied will become a permanent part of the anatomy like natural hair, or will have the following characteristics of natural hair:

(i) The same appearance in all applications as natural hair, upon normal observation, and upon extreme closeup examination;

(ii) It may be cared for like natural hair, particularly in that actions such as washing, combing, brushing and mussing might be performed on it in the same manner as might a person with natural hair;

(iii) The wearer may engage in physical activity and movement with the same disregard for his applied hair as he would if he had natural hair.

(c) That after the System has been applied it is safe for all wearers.

(d) That after the System has been applied, the customer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the System, or that the customer will not incur maintenance costs over and above the cost of applying the System.

(e) That such products and the System are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and unless respondents promptly and fully perform all of their obligations and requirements, directly or impliedly represented, under the terms of each such guarantee.

2. Communicating orally or in writing, or in any other manner, directly or by implication, any of the representations prohibited in Paragraph 1 hereof.

3. Failing to disclose, clearly and conspicuously, in all advertising, brochures and promotional materials, and in all oral sales presentations, in offering for sale, selling or distributing the System, that:

(a) The System involves a surgical procedure resulting in the implantation of sutures in the scalp, to which hair is affixed.

(b) By virtue of the surgical procedure involving implantation of sutures in the scalp, and by virtue of the sutures remaining in the scalp, there is a risk of discomfort and pain, and some risk of

infection, scarring and other skin disorders.

(c) Continuing special care of the System is necessary to minimize the risks referred to in Subparagraph (b) of this Paragraph, and such care may involve additional costs for medications and assistance.

(d) The purchaser is advised to consult with his personal physician about the System before deciding whether to purchase it.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale, or distribution of the System, and shall devote no less than 15 percent of each advertisement or presentation to such disclosures: *Provided however*, That in advertisements which consist of less than ten column inches in newspapers or periodicals, and in radio or television advertisements with a running time of one minute or less, respondents may substitute the following statement, in lieu of the above requirements:

Warning: This application involves surgery whereby sutures are placed in the scalp. Discomfort, pain, and medical problems may occur. Continuing care is necessary. Consult your own physician.

No less than 15 percent of such advertisements shall be devoted to this disclosure, such disclosure shall be set forth clearly and conspicuously from the balance of each of such advertisements, and if such disclosure is in a newspaper or periodical, it shall be in at least ten point type.

4. Disseminating, or causing the dissemination of any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, of said System, or any other product, which advertisements contain any of the representations prohibited in Paragraph 1 hereof, or which fail to make any of the disclosures required by Paragraph 3 herein.

It is further ordered, That respondents provide prospective purchasers with a separate disclosure sheet containing the information required in Paragraph 3 of this order, Subparagraphs (a) through (d), thereof, and that respondents advise such prospective purchasers, subsequent to receipt of such disclosure sheet, to consult with a duly licensed physician who is not associated, directly or indirectly, financially or otherwise, with the respondents regarding the nature of the surgery to be done, the risks of discomfort and pain, and possible risks of infection, scarring, and other skin disorders.

It is further ordered, That no contract for application of respondents' system shall become binding on the purchaser prior to midnight of the seventh day, excluding Sundays and legal holidays, after the day on which said contract for ap-

plication of the system was executed, and that:

1. Respondents shall clearly and conspicuously disclose orally prior to the time of sale, and in writing on any contract, promissory note or other instrument executed by the purchaser in connection with the sale of the system, that the purchaser may rescind or cancel any obligation incurred, by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the seventh day, excluding Sundays and legal holidays, after the day on which said contract for application of the system was executed.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not fail or refuse to honor any valid notice of cancellation by a purchaser and within 10 business days after receipt of such notice, to refund all payments made under the contract or sale and to cancel and return any negotiable instrument executed by the purchaser in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

4. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the tenth day, excluding Sundays and legal holidays, after the day on which said contract for application of the system was executed.

It is further ordered, That whenever respondents perform the application of the system on a customer within 48 hours from the time of that customer's initial contact with respondents, said customer may rescind or cancel any contract or agreement executed and any obligation incurred, by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which the system was applied.

In the event of such cancellation, respondents shall refund all payments made within 10 business days after receipt of notice of such cancellation: *Provided*, That said customer shall assume any cost incurred for the removal of the system.

It is further ordered, That respondents serve a copy of this order upon each physician participating in application of respondents' system, and obtain written acknowledgement of the receipt thereof. Respondents shall retain such acknowledgements for so long as such persons continue to participate in the application of respondents' system.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or

[Docket No. 8087]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Food Town Stores, Inc., and Lowe's Food Stores, Inc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18.)

In the Matter of Food Town Stores, Inc., a Corporation, and Lowe's Food Stores, Inc., a Corporation

Order dismissing complaint issued against Food Town Stores, Inc., and Lowe's Food Stores, Inc., two North Carolina retail food stores for alleged violations of Section 7 of the Clayton Act, as amended, and Section 5 of the Federal Trade Commission Act. The complaint has been dismissed because the proposed merger between the two respondents which gave rise to the complaint, has been abandoned.

The order dismissing the complaint is as follows:¹

ORDER DISMISSING COMPLAINT

The administrative law judge has certified a motion filed by complaint counsel and respondents that the complaint be dismissed on the ground that the proposed merger challenged in the complaint has been abandoned. Upon consideration of the motion and the papers filed therewith:

It is ordered, That the complaint be, and it hereby is, dismissed.

Commissioner Dole not participating.

The order dismissing the complaint was issued by the Commission September 24, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 76-34097 Filed 11-17-76; 8:45 am]

[Docket No. 8383]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Gifford-Hill & Company, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets; § 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18.)

In the Matter of Gifford-Hill & Company, Inc., a Corporation

Consent order requiring a Dallas, Texas, producer and seller of construction materials, among other things to divest itself of the stock, assets and capital stock of three acquired companies, Southern Equipment Corporation, Becker Sand & Gravel Company, and Concrete Supply Company, within one (1) year of the effective date of this order. Further, respondent is prohibited from

¹ Copies of the Complaint and Order Dismissing Complaint filed with the original document.

acquiring any company engaged in the sale of construction aggregates within a specified radius of respondent's North Carolina plant for a period of ten years without prior FTC approval.

The order of divestiture and to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

ORDER

For the purposes of this Order the following definitions shall apply:

A. "Portland cement"—Includes Types I through V of portland cement as specified by the American Society for Testing Materials. Neither masonry nor white cement is included.

B. "Ready mixed concrete"—Includes all portland cement concrete manufactured and delivered to a purchaser in a plastic and unhardened state. Ready mixed concrete includes central mixed concrete, shrink mixed concrete and transit mixed concrete.

C. "Concrete block"—Includes all concrete masonry and paving block, the essential raw materials of which are portland cement, aggregates and water.

D. "Construction aggregates"—Construction aggregates are those materials which consist of natural sand, gravel, manufactured sand, or crushed stone suitable in the manufacture of portland cement concrete.

E. "Respondent" means Gifford-Hill & Company, Inc. and all of its domestic subsidiaries, affiliates and their respective successors and assigns.

I. *It is ordered*, That Respondent, and its officers, directors, agents, representatives, and employees, within one (1) year from the date of service of this Order, (i) divest, absolutely, subject to the approval of the Federal Trade Commission, as going concerns and as separate and viable competitor(s), all stock, assets, properties, rights or privileges, tangible and intangible, including, but not limited to, all plants, equipment, machinery, raw material reserves, inventory, customer lists, contract rights, trade names, trademarks and goodwill, acquired by Respondent, as a result of the acquisition of the stock and/or assets of Southern Equipment Corporation, and Becker Sand & Gravel Company, together with all additions and improvements thereto and replacements thereof of whatever description and (ii) divest, absolutely, subject to the approval of the Federal Trade Commission, its ownership of the capital stock of Concrete Supply Company.

II. *It is further ordered*, That pending such divestitures, Respondent shall not make or permit any deterioration or changes in any of the plants, assets, machinery, equipment, properties, rights or privileges, tangible and intangible, to be divested which would impair their present capacity or market value.

III. *It is further ordered*, That none of the stock, assets, properties, rights or privileges, tangible and intangible, required to be divested be sold or trans-

¹ Copies of the Complaint and Decision and Order filed with the original document.

any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That in the event that any corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order: *Provided*, That if said respondent wishes to present to the Commission any reasons why said order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That respondents forthwith distribute a copy of this order to each of their operating divisions, offices, departments or affiliated corporations.

It is further ordered, That respondent Creative Replacements, Inc. serve a copy of this order upon each present and every future licensee or distributor, and obtain written acknowledgment of the receipt thereof; and that respondent obtain from each present and future licensee or distributor an agreement in writing (1) to abide by the terms of this order, and (2) to cancellation of their license for failure to do so; and that respondent cancel the license of any licensee or distributor that fails to abide by the terms of this order.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale or distribution of respondents' System or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging the receipt of said order from each such person.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission September 8, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 76-34096 Filed 11-17-76; 8:45 am]

ferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, Gifford-Hill & Company, Inc., or any of its subsidiaries or affiliates or who owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of voting stock of Gifford-Hill & Company, Inc., or any of its subsidiaries or affiliates, or successors or assigns thereof, without the prior approval of the Federal Trade Commission, or, directly or indirectly, to Martin-Marietta Corporation, B. V. Hedrick Gravel & Sand Co., Lessees of B. V. Hedrick Gravel & Sand Co., or W. R. Bonsal Company, their respective subsidiaries, affiliates, stockholders, directors, officers, employees, lessees, successors, agents or assigns, or to the lessees, successors, agents or assigns of such stockholders, directors, officers or employees. Without the prior approval of the Federal Trade Commission, each divestiture herein required shall be concluded with separate and unrelated acquirers.

IV. *It is further ordered*, That for a period of ten (10) years from the date of service of this Order, Respondent shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, the whole or any part of the share capital, assets or any interest of any company, corporation or partnership engaged in the sale of construction aggregates within a three hundred (300) mile distance of Respondent's cement plant located at Harleyville, South Carolina, or the whole or any part of the share capital, assets or any interest of any company, corporation or partnership engaged in the sale of ready mixed concrete or concrete block within a three hundred (300) mile distance of Respondent's cement plant located at Harleyville, South Carolina, which purchased more than 40,000 barrels or 7,520 tons of portland cement in any of the three (3) years preceding the proposed acquisition.

V. *It is further ordered*, That for so long as Respondent holds, directly or indirectly, any security interest or promissory note received as whole or part consideration in the sale effecting each divestiture required by Paragraph I hereof or retains directly or indirectly, a bona fide lien, mortgage, deed of trust, or other security interest in any of the stock, property, plants or equipment divested, Respondent, without the prior approval of the Federal Trade Commission, may provide no more portland cement to that plant or group of plants than an amount, in tons, equal to more than (i) fifty percent (50 percent) of the portland cement consumed by the plant or group of plants, respectively, during the three (3) calendar years following such divestiture, (ii) forty percent (40 percent) for the next such three (3) calendar years, and (iii) thirty percent (30 percent) thereafter. When Respondent ceases to hold, directly or indirectly any such security interest, promissory note, lien, mortgage or deed of trust, or other security interest in any

of the stock, property, plants or equipment divested, the restriction provided for in this Paragraph V shall no longer be applicable.

VI. *It is further ordered*, That with respect to the divestitures required herein, nothing in this Order shall be deemed to prohibit Respondent from accepting consideration which is not entirely cash and from accepting and enforcing a promissory note, mortgage, deed of trust or other interest for the purpose of securing to Respondent payment of the price received by Respondent in connection with each divestiture required by Paragraph I hereof; *Provided, however*, That should Respondent by enforcement of such interest, or for any other reason, regain direct or indirect ownership or control of any of the divested assets, properties, rights and privileges, tangible and intangible, said ownership or control shall be expeditiously redvested subject to the provisions of this Order as soon as possible, but in no event beyond one (1) year from the date of reacquisition.

VII. *It is further ordered*, That Respondent shall, within sixty (60) days from the date of service of this Order, and every sixty (60) days thereafter until the divestitures are fully effected, submit to the Commission a detailed written report of its actions, plans and progress in complying with the divestiture provisions of this Order, and fulfilling its objectives. All reports shall include, among other things that will be from time to time required, a summary of all contacts and negotiations with any person or persons interested in acquiring the stock, assets, properties, rights or privileges, whether tangible or intangible, to be divested under this Order, the identity of each such person or persons, and copies of all written communications to and from each such person or persons. Annual Reports of compliance with the remaining provisions of this Order shall be submitted to the Commission on the anniversary date of the service of this Order.

VIII. *It is further ordered*, That Respondent provide a copy of this Order to each purchaser of stock, plants and assets divested pursuant to this Order at or before the time of purchase.

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission September 28, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-34077 Filed 11-17-76;8:45 am]

✓Docket No. C-2841]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Nosoma Systems, Inc., et al.

Subpart—Coercing and intimidating:
§ 13.356 Delinquent debtors. Subpart—Corrective actions and/or requirements:
§ 13.533 Corrective actions and/or re-

quirements; § 13.533-45 Maintain records.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpretations or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

In the Matter of Nosoma Systems, Inc., a Corporation, Doing Business as Capital Collection Service, Central Credit Collectors and Woodbury Credit Systems, and Capital Collection Service of Vineland, Inc., a Corporation, and Capital Collection Service of Willingboro, Inc., a Corporation, and Capital Collection Service of Willingboro, Inc., a Corporation, and Thomas L. Norris, individually and as an Officer of Said Corporations, and John G. Marshall, Jr., Individually and as an Officer of Nosoma Systems, Inc. and Capital Collection Service of Atlantic City, Inc., and R. J. Sopourn, Jr., Individually and as an officer of Nosoma Systems, Inc. and Capital Collection Service of Willingboro, Inc.

Consent order requiring a Vineland, N.J., debt collection agency and three of its affiliates, among other things to cease, prior to obtaining a judgment, from communicating or threatening to communicate with a debtor's employer or other parties, other than spouse or attorney, who have no liability for the debt. Further, if respondents do not reveal that the inquiry concerns debt collection they may communicate with third parties to locate a debtor whose whereabouts are genuinely unknown, or to determine the extent of a debtor's income or property.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

ORDER

It is ordered, That respondents Nosoma Systems, Inc., a corporation doing business as Capital Collection Service, Central Credit Collectors and Woodbury Credit Systems, and Capital Collection Service of Vineland, Inc., Capital Collection Service of Atlantic City, Inc. and Capital Collection Service of Willingboro, Inc., corporations, their successors and assigns, and their officers and Thomas L. Norris, John G. Marshall, Jr. and R. J. Sopourn, Jr., individually and as officers of some or all of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collection of consumer debts, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

Communicating or threatening to communicate with the debtor's employer or any agent of the employer or any other person not liable for the debt other than the spouse or the attorney of the debtor;

¹ Copies of the Complaint and Decision and Order filed with the original document.

Provided, however, That nothing herein shall prohibit such communications in order to locate a debtor whose whereabouts are genuinely unknown to the creditor and respondents, to determine the nature and extent of the debtor's property or income, or pursuant to an order of a court; nor shall anything herein prohibit respondents from engaging an attorney or an agent, if authorized by the creditor, for the purpose of collection of the alleged indebtedness; and

Further provided, That in the course of an attempt to locate a debtor or determine the extent of his income or property the use of any language or symbol on envelopes or in the contents therein or any oral communication indicating that the communication relates to the collection of a debt shall be deemed a communication of the alleged debt prohibited by this order.

It is further ordered, That respondents shall maintain for a period of two years with respect to each delinquent debtor, records which shall consist of copies of all collection letters, dunning notices, requests for information and similar correspondence delivered to such debtor or third parties or an indication of what form items were sent; a record or tabulation of all telephone calls made to or about the debtor showing the identity of the caller, the date and time of the call, the identity of the recipient of the call, the telephone number called, the purpose and result of the call; and copies of all documents pertaining to collection efforts such as referral to lawyers or other agencies and legal documents utilized in collection efforts.

It is further ordered, That the respondents shall forthwith distribute a copy of this order to each of their operating divisions, collection managers and to all personnel or other parties including attorneys and collection agencies responsible for or engaged in the collection of consumer debts.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in any of the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation or corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment, and of each affiliation with a new business or employment. In addition, for a period of ten years from the effective date of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment whose activities include the collection of consumer debts, or of his affiliation with a new business or employment in which his own duties and responsibilities involve the collection of consumer debts.

Such notice shall include this respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment.

The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner, and form in which they have complied with this order.

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

Commissioner Dole not participating by reason of absence.

The Decision and Order was issued by the Commission September 28, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-34098 Filed 11-17-76;8:45 am]

[Docket C-2842]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Owens-Corning Fiberglas Corporation

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.160 Promotional Sales Plans; § 13.170 Qualities or properties of product or service; § 13.170-34 Economizing or saving; § 13.170-48 Insulating; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-45(a) Advertising substantiation. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; § 13.1051-10 Accurate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosures: § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 16 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 46.)

In the Matter of Owens-Corning Fiberglass Corporation, a Corporation

Consent order requiring a Toledo, Ohio, manufacturer, seller, and distributor of fibrous glass products, among other things to cease misrepresenting the amount of energy or money the consumer can save as a result of installing respondent's insulation; misrepresenting the basis for savings claims; misrepresenting the insulation characteristics of its product; and failing to disclose pertinent facts and conditions which are significant to the customer and which affect the savings claim made. Further, relating claims made.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:²

ORDER

It is ordered, That respondent Owens-Corning Fiberglass Corporation, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with consumer advertising, offering for sale, sale or distribution of fibrous glass insulation for residential buildings, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Misrepresenting, in any advertising or sales promotion material, directly or by implication, that respondent has a reasonable basis for statements or representations which are made concerning the amount of energy or money the consumer can save as a result of installing said insulation.

(2) Making any statements or representations in any advertising or sales promotion material, directly or by implication, concerning the insulating characteristics of said insulation or the savings in money or energy which consumers can realize as a result of installing said insulation, unless at the time of such representation, respondent has a reasonable basis for such statements or representations. Such reasonable basis shall consist of competent scientific, engineering, or other objective material or industry-wide standards based on such material.

(3) Misrepresenting, in any advertising or sales promotion material, directly or by implication, the amount of energy or money which a consumer can save as the result of installing said insulation.

(4) Misrepresenting, in any advertising or sales promotion material, directly or by implication, the facts, conditions, or assumptions upon which energy or money savings claims are based.

(5) Failing to disclose in advertising or sales promotion material containing money or energy savings claims, facts and conditions which, within the confines of the medium being used, are significant to the consumer and which affects the amount of money and energy a

² Copies of the Complaint and Decision and Order filed with the original document.

consumer can save by installing said insulation.

It is further ordered, That respondent Owens-Corning Fiberglas Corporation, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with consumer advertising, offering for sale, sale or distribution of fibrous glass insulation for residential buildings, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain and produce accurate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which consist of documentation in support of any claims included in advertising or sales promotion material, insofar as the text of such material is prepared or is authorized and approved by any person who is an officer or employee of respondent Owens-Corning Fiberglas Corporation, or of any division or subdivision of respondent, or by any advertising agency engaged by respondent or by any such division or subsidiary, which concern the insulating characteristics of said insulation or the savings which consumers can realize from the installation of said insulation; and

(b) Which provided the basis upon which respondent relied as of the time those claims were made; and

(c) Which shall be maintained by respondent for a period of three (3) years from the date such advertising or sales promotion material was last disseminated.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions selling or distributing said insulation.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of the order, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries engaged in the domestic sale or distribution of fibrous glass insulation for residential buildings.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Commissioner Dole not participating by reason of absence.

The Decision and Order was issued by the Commission September 30, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-34078 Filed 11-17-76;8:45 am]

[Docket C-2839]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Tri-State Driver Training, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages, or connections; § 13.15-20 Business methods and policies; § 13.15-30 Connections or arrangements with others; § 13.15-70 Financing activities; § 13.15-195 Nature; § 13.15-225 Personnel or staff; § 13.15-265 Service; § 13.42 Connection of others with goods; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.71 Financing; § 13.115 Jobs and employment service; § 13.143 Opportunities; § 13.155 Prices; § 13.155-5 Additional charges unmentioned; § 13.160 Promotional sales plans; § 13.175 Quality of product or service; § 13.185 Refunds, repairs, and replacements; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.225 Services; § 13.250 Success, use or standing; § 13.260 Terms and conditions. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-25 Displays, in-house; § 13.533-45 Maintain records; § 13.533-45(c) Complaints; § 13.533-55 Refunds, rebates, and/or credits.

Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; § 13.1051-20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 Business methods, policies, and practices; § 13.1395 Connections and arrangements with others; § 13.1417 Financing activities; § 13.1520 Personnel or staff; § 13.1535 Qualifications; § 13.1553 Services.—Goods: § 13.1608 Dealer or seller assistance; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1670 Jobs and employment; § 13.1697 Opportunities in product or service; § 13.1725 Refunds; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use, or standing; § 13.1760 Terms and conditions; § 13.1760-50 Sales contract.—Prices: § 13.1778 Additional costs unmentioned; § 13.1823 Terms and conditions—Promotional Sales Plans: § 13.1830 Promotional sales plans.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1863 Limitations of product; § 13.1870 Nature; § 13.1882 Prices; § 13.1882-10 Additional prices unmentioned;

§ 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or relevant facts; § 13.1905 Terms and conditions; § 13.1905-50 Sales contract. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.1960 Free service; § 13.1995 Job guarantee and employment; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts; § 13.2080 Terms and conditions; § 13.2085 Tuition.

(Sec. 6, 38 Stat. 21; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Tri-State Driver Training, Inc., a corporation, and Robert L. Wise, and Robert J. Kuhn, individually and as officers of said corporation.

Consent order requiring a Middletown, Ohio, truck driver training school, among other things to cease misrepresenting the role of salespersons, industry affiliations, job demand, earnings, placement services, and financing arrangements; failing to disclose prior to sale, names of firms currently hiring graduates, the placement rate and salary range for graduates; failing to disclose purchaser's right to cancellation and refund within ten days; and failing to honor valid cancellations. Additionally, respondents are required to institute and enforce a monitoring program and maintain pertinent records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

ORDER

It is ordered, That respondents Tri-State Driver Training, Inc., a corporation, its successors and assigns, and officers, and Robert L. Wise and Robert J. Kuhn, individually and as officers of said corporation, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study and instruction in truck driving or any other subject, trade or vocation, or in connection with any other product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I. 1. Representing, directly or by implication, orally or in writing, that:

(a) Employment is being offered when the real purpose of such offer is to obtain leads to prospective purchasers of such training courses.

(b) There is a need or demand of any size, proportion or magnitude for persons completing any of the courses offered by the respondents in the field of truck driving or any other field, or other-

¹ Copies of the Complaint, Appendices, and Decision and Order filed with the original document.

wise representing that opportunities for employment, or opportunities of any size, figure or number are available to such persons or that persons completing said courses will or may earn any specific amount of money, or otherwise representing by any means the prospective earnings of such persons except as hereafter provided in Paragraph 9 of the Order.

(c) Respondents have been requested by trucking companies or any other business or organization to train persons for specific jobs; or misrepresenting, in any manner, respondents' connection or affiliation with any industry or any member thereof.

(d) Graduates of respondents' courses will be qualified thereby for employment as truck drivers without further training or experience.

(e) Any payments made by prospective enrollees prior to the undertaking of a formal obligation to respondents may be refunded to such enrollees upon request; or misrepresenting in any manner the nature of any payments made by such enrollees.

(f) After payment of the initial or registration fee, enrollees will be permitted to defer the payment of any balance remaining for tuition until after they have graduated and commenced employment as truck drivers; or misrepresenting in any manner the terms and conditions under which tuition payments are to be made.

(g) Respondents will finance the balance of tuition remaining after the payment of the initial or registration fee or will arrange for such financing by others, unless such financing is in fact provided by respondents or by others that are specifically named to enrollees.

(h) Respondents or others provide a placement service which will assure jobs for graduates of their courses.

(i) Graduates of said courses are assured of placement in the positions for which they have been trained; or representing that graduates of said courses will easily attain employment.

(j) Respondents' courses provide any stated minimum number of hours of road-driving instruction, when such representations do not accurately disclose the actual number of hours of behind-the-wheel road-driving instruction furnished to enrollees; or misrepresenting, in any manner, the number of actual hours of behind-the-wheel road-driving instruction furnished to enrollees.

(k) Any person engaged in the promotion, offering for sale, sale, distribution or other use of respondents' courses is a trained admissions counselor or vocational counselor; or misrepresenting the training, experience, title, qualifications or status of such person or the import or meaning of any advice given by or any other statement made by any such person.

(1) Respondents accept only qualified candidates for enrollment in their courses.

2. Placing advertisements in "Help Wanted" columns, or failing to specify,

clearly and conspicuously, as a condition to the publication of classified advertisements seeking leads to prospective purchasers, that such advertisements be published only in the education, instruction or similar columns of classified advertising.

3. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any truck driver training course offered by respondents, the following information:

(a) The title "Important Information" printed in ten (10) point bold face type across the top of the form.

(b) Paragraphs providing the following information:

(1) Many employers of truck drivers prescribe a minimum age of twenty-one (21) years of age for drivers.

(2) Many employers of truck drivers give preferential consideration in hiring to driver-applicants who are twenty-five (25) years of age.

(3) Many employers of truck drivers give preferential consideration in hiring to driver applicants with actual truck-driving experience.

4. Failing to disclose, clearly and conspicuously, in advertisements, in catalogs, brochures and on letterheads that respondents' business is a private school.

5. Utilizing the services of, brokers, or solicitors who engage in any of the acts or practices prohibited by this Order, or who otherwise misrepresent in any way the training program offered by respondents, the type of training equipment utilized by respondents, the tuition-financing arrangements, the assistance furnished to graduates in obtaining employment and the availability of employment opportunities, and other matters.

6. Failing to place the title "Contract" or "Agreement" in bold face type, on any document which evidences an agreement between an enrollee and respondents for the purchase of any of the courses offered by respondents.

7. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course offered by respondents, the full cost of such course including the fee for any residential training.

8. Failing to keep adequate records which may be inspected by Commission staff members upon reasonable notice which substantiate the data and information required to be disclosed by Paragraph 9 of this Order and prescribed in Appendix A.²

9. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course of instruction offered by respondents, the following information in the format prescribed in Appendix A² and for a base period designated as described in Appendix B:²

(a) The number and percentage of enrollees who have failed to complete their course of instruction, such percentage to be computed separately for each course of instruction offered by respondents.

² Filed as part of the original document.

ents at each school, location or facility;

(b) The placement rate, ratio or percentage for enrollees and graduates, and also the numbers upon which such rates, ratios or percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(c) The salary range of respondents' graduates as to the same graduates used to compute the placement percentage in (b) above;

(d) A list of firms or employers which are currently hiring graduates of said courses in substantial numbers and in the positions for which such graduates have been trained, and the number of such graduates hired, as to the same graduates used to compute the placement percentage in (b) above.

Provided, however, this Paragraph shall be inapplicable to any school newly established by respondents in a metropolitan area or county, whichever is larger, where they previously did not operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for the base period established pursuant to Appendix B as prescribed in this Paragraph. However, during such period, the following statement, and no other, shall be made in lieu of the Appendix A Disclosure Form required by this Paragraph:

DISCLOSURE NOTICE

This school [or course, as the case may be] has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school [course].

10. (a) Contracting for the sale of any course of instruction in the form of a sales contract or any other agreement which does not contain in immediate proximity to the space reserved in the contract for the signature of the prospective enrollee in bold face type of a minimum size of ten (10) points, a statement in the following form:

You, the prospective enrollee, may cancel this transaction at any time prior to midnight of the tenth business day after the date of this transaction. See attached notice of cancellation form for an explanation of this right.

(b) Failing to furnish each prospective enrollee, at the time he signs the sales contract or otherwise agrees to enroll in a course of instruction offered by respondents, a complete form in duplicate, which shall be attached to the contract or agreement, and easily detachable, and which shall contain in ten (10) point bold face type the following information and statements:

NOTICE OF CANCELLATION

(Enter date of transaction.)

You may cancel this transaction, without any penalty or obligation, within ten (10) business days from the above date.

If you cancel, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within ten (10) business days following receipt by the seller of your cancellation

notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale: Or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the sellers' expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within twenty (20) days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for payment for said goods.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to: (Name of seller), at: (address of seller's place of business) not later than midnight of _____

I hereby cancel this transaction.

Date _____ Buyer's signature _____

(c) Failing to orally inform each prospective enrollee of his right to cancel at the time he signs a contract or agreement for the sale of any course of instruction.

(d) Misrepresenting in any manner the prospective enrollee's right to cancel.

(e) Failing or refusing to honor any valid notice of cancellation by a prospective enrollee and within ten (10) business days after the receipt of such notice, to: (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by respondent; (iii) cancel and return any negotiable instrument executed by the prospective enrollee in connection with the contract or sale.

(f) During the cancellation period described herein, respondents shall not initiate contacts with such contracting persons other than contacts permitted by this paragraph.

11. Making any representations of any kind whatsoever, which are not already proscribed by other provisions of this Order, in connection with the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of truck driver training or any other course offered to the public in any field in commerce, for which respondents have no reasonable basis prior to the making or dissemination thereof.

12. Furnishing or otherwise placing in the hands of others the means and instrumentalities by and through which the public may be misled or deceived in the manner, or by the acts and practices prohibited by the Order.

1. *It is further ordered*, That: (a) Respondents herein deliver, by registered mail, a copy of this Decision and Order to each of their present and future franchisees, licensees, employees, sales representatives, agents, solicitors, brokers, independent contractors or to any other person who promotes, offers for sale, sells or distributes any course of instruction included within the scope of this Order;

(b) Respondents herein provide each person or entity so described in subpara-

graph (a) of this Paragraph with a form returnable to the respondents clearly stating his or her intention to be bound by and to conform his or her business practices to the requirements of this Order; retain said statement during the period said person or entity is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request;

(c) Respondents herein inform each person or entity described in subparagraph (a) of this paragraph that the respondents will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and does file notice with the respondents that he or she will be bound by the provisions contained in this Order;

(d) If such party as described in subparagraph (a) of this paragraph will not agree to file the notice set forth in subparagraph (b) above with the respondents and be bound by the provisions of this Order, the respondents shall not use or engage or continue the use or engagement of such party to promote, offer for sale, sell or distribute any course of instruction included within the scope of this Order;

(e) Respondents herein inform the persons or entities described in subparagraph (a) above that the respondents are obligated by this Order to discontinue dealing with or to terminate the use or engagement of persons or entities who continue on their own the deceptive acts or practices prohibited by this Order;

(f) Respondents herein institute a program of continuing surveillance adequate to reveal whether the business practices of each said person or entity described in subparagraph (a) above conform to the requirements of this Order;

(g) Respondents herein discontinue dealing with or terminate the use or engagement of any person described in subparagraph (a) above, who continues on his or her own any act or practice prohibited by this Order as revealed by the aforesaid program of surveillance.

(h) Respondents herein maintain files containing all inquiries or complaints from any source relating to acts or practices prohibited by this Order, for a period of two years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

2. *It is further ordered*, That respondents herein present to each interested applicant or prospective student immediately prior to the commencement of any interview or sales presentation conducted at any location other than respondents' offices during which the purchase of or enrollment in any course of instruction offered by respondents herein is discussed or solicited, a 5" x 7" card containing only the following language:

YOU WILL BE TALKING TO A SALESPERSON

3. *It is further ordered*, That respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

4. *It is further ordered*, That the respondent Tri-State Driver Training, Inc., shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondents which may affect compliance obligations arising out of this Order.

5. *It is further ordered*, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged as well as a description of their duties and responsibilities.

6. *It is further ordered*, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission September 20, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-34099 Filed 11-17-76; 8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release SAB-12]

PART 211—INTERPRETIVE RELEASES RELATING TO ACCOUNTING MATTERS

Subpart B—Staff Accounting Bulletins

PUBLICATION OF STAFF ACCOUNTING BULLETIN No. 12

The Division of Corporation Finance and the Office of the Chief Accountant today announced the publication of Staff Accounting Bulletin No. 12. The statements in the Bulletin are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division and the Chief Accountant in administering the disclosure requirements of the federal securities laws.

Staff Accounting Bulletin No. 12 provides interpretations of Accounting Series Release No. 190 (41 FR 13596) and four illustrative disclosures. Accounting Series Release No. 190 (the adoption of Rule 3-17¹ of Regulation S-X (17 CFR 210.3-17)) requires the disclosure of replacement cost data by certain registrants effective for years ending on or after December 25, 1976.

¹ The term "rule" has been replaced by the appropriate section number of the Code of Federal Regulations. Accordingly, Rule 3-17 is referred to as § 210.3-17.

Dated: November 10, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

CHANGES TO STAFF ACCOUNTING BULLETIN No. 10

In SAB No. 10 (41 FR 35163) (which also interpreted ASR No. 190) the following was included regarding the use of indices:

2. GENERAL

F. USE OF INDICES

FACTS

Many companies plan to use indices and other publicly available data in the determination of the replacement cost of productive capacity.

QUESTION

Is the use of indices an acceptable approach to the determination of replacement cost?

INTERPRETIVE RESPONSE

If the use of the indices results in a reasonable approximation of replacement cost computed on an item-by-item basis (or other appropriate method), the use of such indices will be acceptable. It is important to note, however, that in many instances the use of indices will result in reproduction cost which may not be a reasonable approximation of replacement cost.

The above "Question" and "Interpretive Response" are replaced with the following:

QUESTION 1

Is the use of indices an acceptable approach to the determination of replacement cost?

INTERPRETIVE RESPONSE

Any logical approach to the estimation of replacement cost is acceptable provided it results in a conclusion which reasonably approximates the replacement cost of productive capacity.

The estimation of the replacement cost of productive capacity is basically a two-step process. Management must first decide if existing capacity would be replaced with assets similar to those presently owned or if different assets would be required because of technology advances, new governmental regulations, or other current economic and operating considerations. The second step is the selection of appropriate methods to price the replacement assets. In many cases, a combination of direct pricing methods and indexing will be required.

Typically, indices do not reflect technological changes to any appreciable extent. Adjusting the original cost of presently owned assets by appropriate indices results in the current cost to reproduce those assets. Reproduction cost may be equivalent to replacement cost if existing productive capacity would be replaced using assets similar to those presently owned. However, if replacement cost is to be estimated on the basis of using assets different from those presently owned, because of technological changes or other factors, measurement techniques other than indexing are usually required.

QUESTION 2

When facilities have undergone technological change, particularly when existing facilities are no longer manufactured or would not be replaced in the same form, is the use of indices feasible?

INTERPRETIVE RESPONSE

For those assets which would not be replaced through reproduction, normally some

repricing will be required to reflect the replacement cost of productive capacity.

For structures which will be replaced in a different form, unit pricing is one acceptable method of estimating replacement cost. If the structures are an integral part of the manufacturing process, as in a brewery or chemical facility, the functional pricing method may be appropriate.

As with structures, machinery and equipment which has been affected by technological change usually requires specific identification of the replacement or substitute facilities to serve as a basis for estimating replacement costs using a direct, unit, or functional pricing technique. However, because a large number of assets may be involved, this procedure may be costly and time consuming. Sampling techniques may be used in these situations to minimize the number of items requiring direct pricing. The cost of estimating replacement costs of property, plant, and equipment which have undergone technological change can be reduced accordingly.

Using one sampling technique, the estimated replacement cost, based on direct pricing, of the items in the sample divided by the items' indexed original cost results in a factor which approximates the effect of the technological change. If the sample is representative of the total group of assets from which it was taken, the technological change factor computed for the sample may be applied to the indexed historical costs of other items in the group to adjust for the effects of technological change for the entire group.

The heading b. Construction Contracts under 5. Limited Use Assets is changed to read b. Items Produced Under Contract.

NEW INTERPRETATIONS

5. LIMITED USE ASSETS

b. ITEMS PRODUCED UNDER CONTRACT

FACTS

Many companies build products to customer specification after negotiating a binding contract for the purchase of the particular product.

QUESTION

Are the replacement cost disclosures specified in § 210.3-17(a) and (b) required for such inventories and cost of sales?

INTERPRETIVE RESPONSE

One of the principal reasons the disclosures under § 210.3-17(a) and (b) are required is that during periods of changing prices significant distortions can occur in financial statements employing historical cost inventory accounting techniques. This is particularly true in the income statement where operating results can be significantly affected by "inventory profits." Inventory profits result from holding inventories during a period of rising inventory costs and are measured by the difference between the replacement cost of an item and its historical cost at the date the item becomes specific to the requirements of a particular customer (frequently the date of sale). Different methods of accounting for inventories can affect the degree to which inventory profits are included and identifiable in current income, but no method based upon historical cost always eliminates or discloses this profit explicitly.

Such profits do not reflect an increase in the economic earning power of a business and they are not normally repeatable in the absence of continued price increases. Accordingly, the staff considers disclosure of the

impact of material inventory profits on reported earnings and the trend of reported earnings important information for investors in assessing the quality of earnings and understanding the relationship between cost changes and changes in selling prices.

Many companies build products to customers' specifications and do not acquire materials or expend efforts to any consequential degree until the customer signs a binding contract for the purchase of the particular product. In such instances, inventory profits of the nature described in the preceding paragraph do not occur. Further, many believe that costs incurred pursuant to such contracts differ in nature from other types of inventories. Such costs are believed to be more the nature of an account receivable and for this reason should be excluded from replacement cost disclosures.

Notwithstanding the above, a form of inventory profit (or loss) may arise where a binding purchase contract for an item being built to customer specification exists. If the acquisition prices of materials and labor are greater or less than that originally estimated, the ultimate profit or loss on the item produced will be affected. (The staff acknowledges that price changes are not the only factors that impact profit levels in the production of inventories to customer specification and encourages the disclosure of other factors which assist financial statement readers in understanding the results achieved on the contracts.) Some contracts contain escalation provisions which allow some or all unanticipated cost increases to be passed on to customers (and some contain provisions which require that a reduction in the purchase price be granted the customer if anticipated cost levels do not occur); however, many contracts do not contain such provisions and the gains or losses resulting from unanticipated price movements (which may not be repeated in future periods) accrue to the contractor.

The staff does not believe that the specific disclosures required by § 210.3-17 (a) and (b) are necessary for products built to specification under binding contracts. Nonetheless, the staff does believe that readers of financial statements should be provided with data as to the general magnitude of price increases for items customarily built by the contractor (for example, airplanes by aircraft manufacturers or ships by ship builders) and the contractor's ability to pass such price increases on to its customers. The staff believes that during the initial years of implementing § 210.3-17 (a) and (b) companies should be allowed flexibility in these disclosures.

The following is a possible disclosure for a ship builder whose contracts do not contain escalation clauses:

The company constructs ships under fixed price contracts. In arriving at the contract price of a ship, the company prepares detailed cost estimates based on forecasts of the timing and extent of future increases in the cost of labor, materials and overhead. To the extent the company's estimates differ from actual price increases, an increased or decreased profit on the contract will result. It is not practicable for the company to calculate for all contracts the extent to which prices have increased differently from that forecast at the time the original cost estimates were prepared. However, with the exception of the contract with the Venezuelan government, management is not aware of any contract where price increases have both differed materially from that originally estimated and materially affected operating profits. On the Venezuelan government contract, costs have increased by approximately \$10,000,000 in excess of those forecast, thereby reducing operating profit by a like amount.

Based upon a sampling of recurring costs to construct ships the company estimates the cost of ships has increased in 1976 by approximately 18% to 25% dependent upon the characteristics of the ship. In bidding upon future ship construction contracts the prices bid by the company will reflect these cost increases and a margin of profit generally consistent with the levels bid and achieved by the company in the past.

FACTS

Some companies that build products to customer specification carry inventories of basic materials and subassemblies which are commonly used in manufacturing the company's products. These inventories are held in anticipation of the receipt of orders.

QUESTION 1

Should replacement cost of such inventories be disclosed?

INTERPRETIVE RESPONSE

Yes.

QUESTION 2

Should the "inventory profits" related to such inventories be disclosed and if so how should they be measured?

INTERPRETIVE RESPONSE

The impact of inventory profits should be disclosed (generally as an upward adjustment to historical cost of sales) and should be based on the difference between the historical cost of the inventory and the replacement cost of the inventory at the date the inventory becomes specific to the requirements of a particular customer (which will generally be the date of use or allocation).

FACTS

Some companies enter into binding contracts for the future delivery of products (e.g., the delivery of one thousand units of inventory for a fixed price for each of the next twelve months) that are substantially the same as those manufactured in anticipation of non-contract customer orders.

QUESTION

Are the replacement cost disclosures specified in §210.3-17(a) and (b) required in such circumstances?

INTERPRETIVE RESPONSE

Yes; such products are not manufactured specific to the requirements of a particular customer (i.e., they may be used to fulfill the requirements of alternative customers) and therefore should be treated consistent with other inventories which are available to fulfill the requirements of various customers.

6. REPLACEMENT COST OF PRODUCTIVE CAPACITY

K. REPLACEMENT OF EXISTING ASSETS WITH ASSETS HAVING GREATER PRODUCTIVE CAPACITY

FACTS

Frequently managements will have the intention of replacing existing productive capacity with assets having greater capacity.

QUESTION 1

In these situations, how should the replacement cost of existing productive capacity be determined?

INTERPRETIVE RESPONSE

In most instances, if management intends to replace existing capacity with different assets, that intent should be recognized in the replacement cost data. The results will then indicate to the extent possible the direction of the company.

Whenever replacement with a new asset configuration is assumed, there are at least two types of situations that can be distinguished:

(a) If management could reasonably assume that it would replace with greater capacity and that such capacity could be utilized, then only the portion of total costs attributable to existing capacity should be disclosed as the replacement cost of existing productive capacity. This allocation would be appropriate even though a replacement opportunity exists with capacity equivalent to that presently owned.

(b) If management expects to produce in the future at the same level as it currently produces but would be required to replace with higher capacity because equivalent capacity replacements were not available, then replacement cost would be the total costs of the higher capacity.

QUESTION 2

If management can reasonably assume that it will replace with greater capacity and that such capacity can be utilized (see (a) in the Interpretive Response to Question 1 above), should the allocation of total cost to existing capacity be made upon a linear basis (i.e., if the capacity of the replacement asset is twice that of the existing assets, the replacement cost of the existing assets would be one-half of the cost of the replacement assets) or is some other approach more appropriate?

INTERPRETIVE RESPONSE

A linear approach may not be appropriate in all situations. Technical engineering writings provide considerable evidence that costs in many situations tend to change exponentially rather than linearly. Replacement cost computations, which are designed to measure costs attributable to existing capacity, should incorporate methods of attribution that are as realistic as possible if the resulting information is to be useful. Accordingly, the fact that the relationship between cost and capacity may be linear, exponential, etc., should be recognized. The following situations may be distinguished:

(a) When the assumed replacement configuration capacity must be scaled down to existing capacity, engineers frequently employ the following exponential function, called the "six-tenths" rule, as a rough approximation of the cost of a different capacity level:

$$RCE = RCN \times \left[\frac{PCE}{PCN} \right]^{0.6}$$

where

RCE=Replacement cost of existing assets;
RCN=Replacement cost of larger, more efficient assets;
PCE=Productive capacity of existing assets; and
PCN=Productive capacity of larger, more efficient assets.

Frequently, the estimate resulting from the use of the above formula will be sufficient for compliance with §210.3-17. However, the engineering literature also notes that, while this approach in many cases is a significant improvement over use of a linear relationship, mechanical application may result in inaccurate results. Accordingly, consideration must be given to factors such as the following:

- (1) Costs for certain types of equipment may follow a different exponential cost curve.
- (2) Breaks in cost curves may occur when some specific capacity size is passed.
- (3) Different exponents may be applicable to different capacity levels for the same type of equipment.

(b) In other cases, a linear relationship may be appropriate. For example, if a company intends to replace existing capacity by acquiring new capacity that represents 25 percent of a new facility built in conjunction with other users, then 25 percent of the total cost of the new facility would likely be the appropriate measurement. Another instance in which linear computations may suffice is a situation involving a relatively small increase in capacity level—say less than 10 percent to 20 percent. In such instances, dependent upon the exponent, the differences between an exponential computation and a linear computation are frequently not material.

In conclusion, an exponential relationship such as the "six-tenths" rule is generally an improvement over linear extrapolation whenever fairly substantial changes in capacity are involved. As a practical matter, this means that some involvement of knowledgeable engineers or others familiar with the measurement of cost behavior will typically be advisable if significant changes in the scale of capacity are part of replacement cost computations. At the same time, it should be noted that any method of rescaling capacity is typically facilitated by using a cost-per-unit-of-output approach.

L. FEE TIMBER

FACTS

Many companies in the forest resources industry meet a portion of their fiber needs through the ownership and management of fee (i.e., owned) timberlands. Many such companies attempt to perpetuate the production of timber from fee lands by employing a "sustained yield" concept whereby annual timber volume removals are planned not to exceed, on average, the timber volume expected to be grown annually. Thus, the fiber potential of a company's timberlands normally will not decrease from its present level, and the underlying lands will never need to be replaced.

QUESTION 1

If a company is following the sustained yield concept, is it acceptable to calculate (1) the replacement cost of fee timber on the basis of reforestation costs and the forest management expenditures that would be required to bring a harvested area to a state of maturity equal to that of the company's presently existing fee timber holdings and (2) the effects on income on a replacement cost basis using the annual cost of reforestation and forest management with appropriate adjustments for significant departures from a sustained yield harvest?

INTERPRETIVE RESPONSE

Yes. Such an approach would be consistent with an "entity's normal approach to replacement of capacity."

QUESTION 2

If the approach suggested above is followed, how should replacement cost disclosures be made?

INTERPRETIVE RESPONSE

The disclosure of the replacement cost of fee timber should identify separately the expenditures required for reforestation, and also the amount of forest management expenditures that would be required to bring a company's fee timberlands from a harvested state to the state of maturity of today's timber holdings.

It is important to note that the disclosure relating to the replacement cost of fee timber pertains to expenditures incurred in the replacement process, not to the accounting treatment of such expenditures. Capitalization practices with respect to reforestation

and timber management expenditures vary within the industry. Therefore, care should be exercised in preparing the disclosure so that no inference can be drawn that these expenditures, when made, would necessarily be capitalized. For this reason, it is suggested that the aggregate amount of expenditures related to replacing standing fee timber not be included in any overall tabular summary of replacement costs. It is appropriate, however, for individual companies to discuss, in narrative form, the nature of and reasons for the difference (1) between the historical cost of standing fee timber, as disclosed in the company's historical balance sheet, and the expenditures required to replace such timber and (2) between amounts charged to historical cost of sales for fee timber harvested, as shown in the historical cost income statement presented by the company, and the amount disclosed as replacement cost of sales for such timber.

7. DEPRECIATION ON REPLACEMENT COST BASIS

d. DEPRECIATION WHEN COMPOSITE METHOD IS USED

FACTS

Many companies plan to use a composite method, such as functional pricing, to estimate the replacement cost of productive

capacity. Such methods result in groups of replacement assets differing in composition from existing assets because of technological changes, new environmental requirements, and various other factors.

QUESTION

How should replacement cost depreciation and the current depreciated replacement cost of productive capacity be estimated in these situations?

INTERPRETATIVE RESPONSE

A number of acceptable approaches have been brought to the staff's attention, and none appear to warrant designation as being appropriate in all circumstances. Generally, replacement cost depreciation expense may be computed by using the appropriate composite life of the existing group of assets.

The determination of accumulated replacement cost depreciation may present a special problem. Because of the interaction of changes in prices, composition of assets, and timing of acquisitions, the ratio of total accumulated depreciation to total cost on a historical cost basis may differ from that on a replacement cost basis.

For example, the following tabulation summarizes a group of assets with replacement cost data estimated on an individual asset basis:

Year acquired	Historical				Replacement		
	Cost	Life in years	Depreciation ¹		Cost	Depreciation	
			Provision for 1976	Accumulated at Dec. 31, 1976		Provision for 1976 ²	Accumulated at Dec. 31, 1976
1961.....	\$1,000	20	\$50	\$500	\$3,000	\$150	\$2,400
1963.....	2,000	10	200	1,800	5,000	500	4,500
1969.....	3,000	10	300	2,400	6,000	600	4,800
1971.....	5,000	25	200	1,200	7,000	280	1,680
1975.....	4,000	16	250	500	4,600	230	500
1976.....	5,000	5	1,000	1,000	5,000	1,000	1,000
Total.....	20,000		2,000	7,700	30,000	2,760	14,880

¹ Based on a full year's depreciation provision in the year acquired.

² Assumed no changes in prices during 1976.

If, instead, replacement cost were estimated at \$30,000 on a composite basis (e.g., functional pricing), the following illustrates the difference in the accumulated depreciation ratios:

Estimated replacement of the group..... \$30,000
Historical ratio of accumulated depreciation to cost (\$7,700 ÷ \$20,000) (pct.)..... 38½

Indicated replacement cost accumulated depreciation..... \$11,550

Replacement cost accumulated depreciation computed on an asset-by-asset basis, per above..... \$14,880

One approach to the computation of replacement cost accumulated depreciation is to make a detailed analysis of the assets for which replacement cost was estimated on a group basis and, to the extent possible, match the replacement assets with the historical assets. The staff, however, believes that in most cases alternative techniques can be applied to reduce clerical effort in making the computations.

For instance, using the data from the example above, a weighted-average life of the historical assets could be computed, as follows:

Year acquired	Historical cost	Age in years	Age extension
1961.....	\$1,000	10	\$10,000
1963.....	2,000	9	18,000
1969.....	3,000	8	24,000
1971.....	5,000	6	30,000
1975.....	4,000	2	8,000
1976.....	5,000	1	5,000
Total.....	20,000		101,000

Divided by total historical cost.... \$20,000

Weighted-average age (yrs)..... 5.05

Estimated replacement cost of productive capacity..... \$30,000

Composite historical depreciation rate (\$2,000 ÷ \$20,000) (pct)..... 10

Estimated replacement cost depreciation..... \$3,000

Weighted-average age (yrs)..... 5.05

Approximate accumulated replacement cost depreciation..... \$15,150

The staff considers this approach acceptable in the circumstances described above. Other approaches for computing accumulated replacement cost depreciation in spe-

cific circumstances suggested to the staff include the following:

1. Classifying replacement cost assets to the lowest functional level for which historical cost depreciation records are maintained and then applying to the replacement cost amounts the historical ratios of accumulated depreciation to cost

2. Applying a general or specific index to year-end historical cost balances for cost and accumulated depreciation and then recomputing a ratio of accumulated depreciation to historical cost. This adjusted ratio may be more representative than the unadjusted ratio for purposes of application to the estimated replacement cost of productive capacity.

3. Using the historical ratio of accumulated depreciation to cost. In many cases, this approach would be acceptable. When used, registrants should be aware of the potential problem described in "Facts" above and make adjustments, if necessary.

11. EXAMPLES OF REPLACEMENT COST DISCLOSURES

FACTS

It would be helpful to many registrants which are required to report replacement cost data to see examples of replacement cost disclosures.

QUESTION

Are any examples of replacement cost disclosures available?

INTERPRETATIVE RESPONSE

At the September 16 and 17, 1976 meetings of the Disclosure Subcommittee of the Replacement Cost Advisory Committee, the staff of the Commission and the members of the subcommittee prepared four examples of replacement cost disclosures.

These examples are published here to serve as a guide to registrants. They do not represent the staff's or the subcommittee's view of what constitutes minimum or maximum disclosure. An important omission from these examples is the many supplemental disclosures that are possible (e.g., gain or loss from holding monetary assets and liabilities, economic value or net realizable value of properties, etc.).

These examples also contain disclosures of the methods employed in computing the replacement cost data. The fact that a particular method has been described does not imply that it is the only method that can or should be used in developing the data; nor does it imply that the method described is appropriate in all circumstances.

The dollar amounts contained in the examples are hypothetical; they do not relate to any known company and the relationship of one amount to another (for example, the relationship of gross and net property, plant and equipment on a historical cost basis to the same amounts on a replacement cost basis) may not be indicative of the relationships various registrants experience.

EXAMPLE 1: A PUBLIC UTILITY

NOTE X.—Replacement Cost Data (Unaudited).

The following data compare utility plant investment and related accumulated depreciation as shown on the balance sheet for the Company and its consolidated subsidiaries at December 31, 1976 with the approximate cost to replace such plant at that date, at prices in effect in late 1976. They also compare the accumulated depreciation that would have

been provided had past depreciation accruals contemplated such replacement costs.

	As stated, at Dec. 31, 1976	At replacement cost	Difference
Utility plant investment: Subject to replacement cost disclosure.....	\$10,000	\$16,000	\$6,000
Included at historic cost.....	2,000	2,000	-----
Total.....	12,000	18,000	6,000
Accumulated depreciation.....	2,000	3,000	1,000
Net utility plant investment.....	10,000	15,000	5,000

In developing the replacement cost approximations, it was assumed that (identify significant technological improvements available and planned, such as nuclear power generators or electronic switching systems) and that latest known technological developments would be used in replacing other plant in accordance with present replacement practices. Replacement cost of buildings assumes a reduced (increased) amount of space because of (state the reason if applicable). Land, plant under construction, and plant held for future use are included at historic cost.

The following figures compare depreciation expense as shown on the income statement for the Company and its consolidated subsidiaries for the year ended December 31, 1976, with the depreciation expense that would have been computed, on the basis of the estimated average replacement cost of depreciable plant.

	As stated for Dec. 31, 1976	At replacement cost	Difference
Depreciation expense....	\$450	\$675	\$225

The Company cautions that replacement of plant will take place over many years. The newer technological developments applicable to such plant will enable the Company and its operating subsidiaries to reduce maintenance and operating expenses by as much as 50% based on 1976 expense levels. Additionally, the newer technological developments associated with (nuclear power or electronic switching systems) provide features which will allow the Company and its subsidiaries to offer new and additional revenue generating services at minimal supplemental cost.

The Company also cautions that replacement cost is not the current value of existing utility plant; it is only an estimate of the cost that would be incurred if such assets were replaced at December 31, 1976. The difference between historic and replacement cost of net utility plant investment does not represent additional book value for the Company's common stock; instead, it indicates the capital funds (in excess of booked depreciation and other prior capital provisions) that may have to be provided to replace existing service capacity of the plant of the Company and its subsidiaries. Such capital funds will be provided by (a) reinvestment through depreciation expense, (b) retained earnings after payment of dividends, (c) probable ongoing Federal income tax provisions for accelerated depreciation and investment credit, (d) additional equity investments occurring from the Company's dividend reinvestment and employee savings plan programs, and (e) long, intermediate and short-term debt and other new issues of equity securities. To achieve an assumed ultimate capital structure of 40% equity capital, and assuming no change in the December

31, 1976 balance for deferred taxes and unamortized investment credits, the difference between historic and replacement cost of net utility plant should be funded \$2,000 by equity capital and \$3,000 by debt.

The Company believes that the difference between depreciation based on historic cost and depreciation based on estimated replacement cost, which difference is not deductible in determining income tax expense, is not truly an additional amount of depreciation expense. Rather it is a measure of the extent to which the Company should be making provision for replacement of its existing utility plant in the current year, assuming no growth in demands for service and no further inflation in costs. Assuming that such provisions are expressive of the capital structure assumed to be achieved at ultimate replacement of the plant, \$90 of the additional amount is related to equity capital requirements, and \$135 to requirements for debt capital. Presumably the equity capital requirements will be met by the addition to retained earnings after payment of dividends; to the extent that remaining earnings are inadequate, the Company believes it indicates the amount of its needs for increased earnings and thus increased rates for its services. If such increased rates are not achieved, then this differential amount will need to be furnished by additional new equity investments beyond that required for growth.

EXAMPLE 2: A WORLDWIDE MANUFACTURER UTILIZING INDEXES

Supplemental Information on Replacement Cost (unaudited).

In compliance with rules of the Securities and Exchange Commission, the Corporation has estimated certain replacement cost information for worldwide inventories, property, cost of sales, depreciation of real estate, plant and equipment, and amortization of special tools. The amounts reported are the result of the calculations described below and are not necessarily indicative of either the amounts for which the assets could be sold or management's intentions for replacement of such assets nor are they necessarily representative of costs that might be incurred in a future period.

For purposes of calculating the replacement cost for inventories, the first-in, first-out method or average method of costing ending inventories was applied. Foreign content in inventories was translated into U.S. dollars at exchange rates in effect at year end. Replacement cost for cost of sales (exclusive of depreciation and amortization) was based on applying the last-in, first-out method of costing ending inventories. Amounts related to foreign cost of sales were translated into U.S. dollars using annual average exchange rates. No attempt has been made to measure improved efficiency or reduced operating cost which might occur if manufacturing facilities were replaced. It is believed that the amounts resulting from these calculations reasonably approximate the amount of inventories, stated at cost levels experienced near year end, and of cost of sales, determined at cost levels experienced during the periods in which the products were sold.

For purposes of calculating the replacement cost of real estate, plant and equipment, indexes published by governmental and private organizations, adjusted for technological change where applicable, were applied to the historical cost of the assets. It is believed that the resulting indexes are reasonably representative of changes in prices for the assets and are reasonably adjusted for changes in technology. However, the Corporation disclaims any responsibility for the accuracy, consistency, weighting or other factors which may affect such indexes.

Accumulated depreciation at the end of the year and the provision for depreciation for the year related to the replacement cost of such assets were calculated using straight-line depreciation rates based on the estimated service lives used for financial accounting purposes. All amounts related to foreign assets were translated into U.S. dollars at exchange rates in effect at year end; amounts related to foreign depreciation expense were translated to U.S. dollars using annual average exchange rates.

For purposes of calculating replacement cost of special tools and related amortization, indexes, as described above, were applied to the historical cost of such tools and the resulting replacement cost was amortized employing amortization rates and estimated service lives that are used for financial accounting purposes.

Although the replacement cost data disclosed herein have, in the Corporation's view, been reasonably estimated, the estimating procedures do require that certain subjective decisions be made. Moreover, the data are based upon costs at December 31, 1976; assuming that costs to replace the Corporation's productive capacity continue to rise, the actual cost of replacement in the future may differ significantly from the amounts reported herein.

The data required by the SEC exclude the effect of price level changes on assets other than inventory and certain properties during a period of inflation. Accordingly, it is management's view that the replacement cost data presented herein cannot be used alone to impute the total effect of inflation on net income as reported.

However, subject to the above, the following represents the Corporation's estimates of the required replacement cost:

(In millions of dollars)

	Historical cost at Dec. 31, 1976	Estimated replacement cost at Dec. 31, 1976 (Range *)
Inventories:		
Raw materials.....	\$617	\$744-\$901
In process.....	504	594-676
Finished goods.....	1,150	1,403-1,650
Total.....	2,301	2,740-3,076
Real estate, plant and equipment (excluding land and construction in progress):		
Land improvements....	1,000	1,194-1,681
Buildings.....	5,001	8,818-9,571
Machinery and equip- ment.....	9,317	14,867-16,003
Other.....	535	811-829
Total.....	10,819	20,023-29,123
Accumulated deprecia- tion.....	4,070	7,450-8,678
Total.....	12,749	18,573-20,054
Special tools.....	4,338	4,703-5,101
Less, amortization.....	2,222	2,484-2,610
Total.....	2,116	2,311-2,493
Cost of sales, exclusive of amounts listed below.....	11,503	12,603-14,011
Depreciation of real estate, plant and equipment.....	948	1,605-1,757
Amortization of "special tools".....	350	613-621

* Management believes that the most probable replacement cost would fall within this range; nonetheless, it is possible that the replacement cost would be outside this range. The range should not be viewed as management's estimate of the minimum and maximum replacement cost.

EXAMPLE 3: A MANUFACTURER PRIMARILY UTILIZING FUNCTIONAL COSTING AND INCORPORATING COST SAVINGS IN THE BASIC DATA

Data Describing Replacement Cost of Inventories and Productive Capacity and Ro-

lated - Replacement Cost Basis Cost of Products Sold and Depreciation and Depletion (Unaudited).

Set forth in Exhibit I below is an analysis of management's estimates of the replacement cost of certain inventories and productive capacity of the Company and its consolidated subsidiaries as of December 31, 1976, together with estimates of cost of products sold and depreciation on the basis of replacement cost for the year then ended.

Replacement cost data have not been provided for the Company's operations located outside North America and the European Economic Community because such data are not required.

Also excluded is replacement cost information related to elements of productive capacity that, in management's present opinion, will not be replaced at the end of their useful lives. However, if market conditions change, management may modify its present opinion and elect to continue operations for such products or product lines and, accordingly, may have to replace such productive capacity at that time.

All replacement cost amounts related to foreign assets were translated into U.S. dollars at exchange rates in effect at year end; amounts related to the foreign cost of products sold and depreciation expense were translated into U.S. dollars using annual average exchange rates.

EXHIBIT I—REPLACEMENT COST DATA

(In thousands of dollars)

	Estimated replacement cost	Comparable reported amounts
Inventories—as of Dec. 31, 1976:		
Raw materials.....	\$55,000	\$43,000
Work in process.....	33,000	29,000
Finished goods.....	76,000	53,000
Total.....	164,000	125,000
Property, plant and equipment—as of Dec. 31, 1976:		
Machinery and equipment.....	164,000	118,000
Buildings.....	41,000	28,000
Total.....	205,000	146,000
Less accumulated depreciation and depletion.....	70,000	43,000
Total.....	135,000	103,000
Cost of products sold—for the year ended Dec. 31, 1976.....	375,000	346,000
Depreciation—for the year ended Dec. 31, 1976:		
Included in cost of products sold.....	22,000	10,000
Included in other operating costs.....	4,000	1,000
Total.....	26,000	11,000

Exhibit II sets forth the comparable related historical cost amounts for these categories as included in the consolidated balance sheet and income statement, and indicates the historical amounts for which replacement cost data have and have not been provided. The totals in Exhibit II are the same as the "Comparable Reported Amounts" column of Exhibit I.

EXHIBIT II.—Historical cost amounts for which replacement cost data have been provided

(In thousands of dollars)

	Inventories	Property, plant and equipment	Accumulated depreciation	Cost of products sold	Depreciation and depletion
Totals as shown in the accompanying consolidated financial statements.....	\$164,000	\$217,000	\$54,000	\$433,000	\$17,000
Less amounts for which replacement cost data have not been provided:					
Operations located outside North America and the European economic community.....	57,000	50,000	16,000	84,000	6,000
Operations which will not be replaced at the end of their current economic lives.....	2,000	5,000	5,000	3,000
Land at cost.....	16,000
Historical amounts for which replacement cost data have been provided.....	125,000	116,000	43,000	346,000	11,000

The replacement cost information set forth in Exhibit I should not be interpreted to indicate that the Company has present plans to replace such assets or that future replacement would take place in the form and manner assumed in developing these estimates. The company cautions that the replacement cost data presented are not necessarily the current market values of existing property, plant and equipment and inventories. Rather they represent management's estimate of the cost of replacement that would be incurred at December 31, 1976 if such assets were replaced at that time. Accordingly, the difference between historical and replacement cost does not represent additional book value of the Company's common stock. In addition, it must be recognized that, by their nature, the replacement cost data are estimates and predicated upon certain assumptions and subjective judgments of management, some of which are described below.

METHODS USED IN ESTIMATING CURRENT REPLACEMENT COST OF PRODUCTIVE CAPACITY (PROPERTY, PLANT AND EQUIPMENT)

The estimated replacement cost of the Company's major plant facilities (representing approximately 73 percent of the property, plant and equipment set forth in Exhibit I) was developed by using engineering estimates for the cost of replacing selected representative productive facilities (after they have been upgraded for technological improvements) in each of the major product classes and deriving a cost per unit of productive capacity therefrom. Based on the overall existing productive capacity for those products and product lines of which management currently anticipates continuation, the cost per unit of productive capacity was used to compute the estimated cost of total existing productive capacity. The method of calculating replacement cost described above assumes replacement of existing facilities based on the size and configuration of the selected currently existing facilities; accordingly, replacement accomplished in such a manner would require consolidation of certain existing productive facilities into larger, more economical productive units. However, no attempt was made to reengineer the entire productive and distributive capacity into units larger than those currently in existence.

Also, the replacement cost estimates described above, do not take into account the manifold problems of relocating and con-

solidating existing productive facilities, including availability of labor supply, raw material sources, and proximity to customers, all of which would necessarily have to be considered in depth before undertaking actual replacement. The results of such additional studies might significantly alter the costs of productive capacity replacement or the Company's manner of replacement as assumed in developing these estimates.

The engineering estimates used in the replacement cost computation were based on the Company's current costs of plant construction and vendor quotations or published prices for larger machinery units.

The estimated current replacement costs for administrative offices was developed using historical costs of assets appropriately indexed to reflect current, higher, costs of construction.

The estimated current replacement cost for the balance of the Company's productive capacity, representing primarily transportation equipment, small machines, and office furniture and fixtures, was statistically derived based on vendor quotations or published price lists for current replacement of sample items compared to their historical costs.

OPERATING EFFICIENCIES

The manner in which the Company has chosen to estimate replacement cost of existing productive capacity, as described above, would, if replacement were effected, alter its current level of operating costs. Management believes that the change in operating cost level is reasonably assured and quantifiable based on replacement assumptions used. So that the replacement cost estimates would not be materially misleading, the Company's current operating costs were adjusted to reflect those of facilities on which the replacement estimates were based. The latter costs were further adjusted for anticipated cost reductions that would result from existing technological improvements. Accordingly, while cost of products sold and depreciation and depletion expense for 1976 as shown in Exhibit I would increase \$41,000,000 and \$12,000,000 respectively, as a result of using replacement cost data other costs included in cost of products sold are expected to decrease approximately \$24,000,000 as a result of lower direct labor costs, utility expense, and other direct and indirect costs resulting from the assumed replacement. The net result is an overall increase of \$23,000,000 in costs of products sold for 1976.

OTHER EFFECTS

If the replacement of productive capacity were effected, interest costs might substantially increase as a result of additional borrowings to finance each replacement. However, the effect of increased interest costs has not been calculated because of the Company's inability to determine how much additional borrowing would be required and how much of the replacement would be financed by additional equity offerings. In addition, none of the cost effects thus far described have been adjusted for income tax effects, including the substantial investment tax credits that would result from the replacement of productive capacity.

ACCUMULATED DEPRECIATION AND DEPLETION

Accumulated depreciation and depletion related to replacement cost of existing productive capacity as set forth in Exhibit I was estimated by the relationship of expired service lives to total service lives of existing facilities assumed to be replaced, applied to the estimated replacement cost of such productive capacity. No additions to the asset lives used for historical cost depreciation purposes as a result of technological improvements were included in the replacement cost depreciation calculations.

DEPRECIATION AND DEPLETION EXPENSE

Replacement cost depreciation and depletion expense was calculated on the straight-line method using the historical depreciation and depletion rates for existing facilities, applied to the average estimated replacement cost of productive capacity.

INVENTORIES

The estimated replacement cost of work-in-process and finished goods inventories at the end of 1976 was calculated by using revised standard costs reflecting estimated replacement cost depreciation, net of estimated decreased direct and indirect operating costs, as more fully explained under "Operating Efficiencies" above. Accordingly, the estimated replacement cost for such inventories represents their costs as if produced by the replaced productive capacity; such costs may not compare to the costs that will actually be incurred by the Company in subsequent replacement (after sale) of the inventories under its existing plant configuration. Nevertheless, management believes that the estimated replacement cost of inventories set forth above is a reasonable approximation of the cost of replacing inventory under the assumed replacement productive capacity previously described.

The estimated replacement cost of raw material inventories was based on latest invoice prices.

COST OF PRODUCTS SOLD

Cost of products sold calculated on the basis of replacement cost of inventories was estimated by reference to revised standard product costs that reflect replacement cost depreciation expense, net of estimated decreased direct and indirect operating costs. Accordingly, the estimated replacement cost for products sold represents the cost of manufacturing inventories as if produced by the replaced productive capacity. The revised standard costs described above do not reflect actual costs incurred (under the Company's existing productive capacity) in the current production of inventories or their subsequent inclusion in costs of products sold. However, management believes that the estimates for cost of products sold set forth above represent a reasonable approximation of cost of products sold calculated on the basis of replacement of existing productive capacity.

ASSUMPTIONS AND ESTIMATES

The replacement cost data herein described have been compiled to comply with the disclosures required by the Securities and Exchange Commission and represent, in the Company's view, a reasonable aggregation of such information. However, the replacement cost data have inherent limitations because of the need for substantial subjective judgments in the estimating process. Accordingly, they should not be construed to represent management's intent to replace existing productive capacity; moreover, even if replacement is effected in the manner described, replacement cost may not represent, because of possible future increases in cost levels, the actual future costs of replacement or the subsequent operating costs that would be incurred in the production of products.

Additionally, other inflationary effects on the Company have not been presented in the replacement cost data set forth above. These additional effects include holding gains experienced by a borrower and holding losses resulting from holding monetary assets, such as cash, receivables, etc., in times of inflation.

In management's view, the above replacement cost information cannot be used to impute the effects of inflation on the Company's net income as reported without considering other factors, including the impact of general price level changes and of statutory taxing policies as they affect the Company. Accordingly, a revised net income amount is not disclosed because of the substantial difficulties that exist in determining a quantifiable income effect. Furthermore, because of the subjective judgments required and the errors inherent in estimation, the above replacement cost data may not be fully comparable among companies with which the Company competes.

EXAMPLE 4: A MANUFACTURER EMPLOYING A VARIETY OF COSTING METHODS AND NOT INCORPORATING COST SAVINGS IN THE BASIC DATA

Unaudited Replacement Cost Information. The replacement cost information presented in this section of the financial statements is furnished pursuant to § 210.3-17 of Regulation S-X, which was announced in the Securities and Exchange Commission's Accounting Series Release No. 190. In that Release, the SEC cautioned investors and analysts against "simplistic use" of replacement cost information. In issuing that warning, the SEC stated:

"* * * (The Commission) intentionally determined not to require the disclosure of the effect on net income of calculating cost of sales and depreciation on a current replacement cost basis, both because there are substantial theoretical problems in determining an income effect and because it did not believe that users should be encouraged to convert the data into a single revised net income figure. The data are not designed to be a simple road map to the determination of 'true income.' In addition, investors must understand that due to the subjective judgments and the many different specific factual circumstances involved, the data will not be fully comparable among companies and will be subject to errors of estimation."

The Company believes that the limitations due to estimations requiring the subjective judgments and assumptions of management as discussed in the foregoing excerpt from ASR 190 apply specifically to the Company's replacement cost information presented in this section of the financial statements. For example, the technology currently available to the Company and the related environmental factors are undergoing significant change and the effect thereof on the Company's replacement decisions cannot be predicted with

precision. The Company's resultant inability to reflect the costs related to such unidentifiable difficulties is illustrative of the inherent imprecision of the information required by § 210.3-17.

The replacement cost information is based on the hypothetical assumption that the Company would replace its entire inventory and productive capacity at the end of its fiscal year, whether or not the funds to do so were available or such "instant" replacement were physically possible. This assumption requires that management contemplate many actions at the end of each year that ordinarily would not be addressed all at one time. Accordingly, the information should not be interpreted to indicate that the Company actually has present plans to replace its productive capacity or that actual replacement would or could take place in the manner assumed in estimating the information. In the normal course of business, the Company will replace its productive capacity over an extended period of time. Decisions concerning replacement will be made in the light of economic, regulatory and competitive conditions existing on the dates such determinations are made and could differ substantially from the assumptions on which the data included herein are based.

The replacement cost data presented herein are not necessarily representative of the "current value" of existing inventory and productive capacity. Further, the difference between the replacement cost and the historical cost of inventory and productive capacity does not represent additional book value for the Company's common stockholders. The funds for the eventual replacement of the Company's productive capacity may be provided not only by earnings retained in the business but also by investment tax credits, debt, or issues of equity securities. The determination of the source of funds will be made at the time the funds are required in light of the circumstances at that time.

The replacement cost of approximately 60% of raw materials and supplies has been computed based upon catalog and other published prices for the quality, quantity, and terms at which the Company generally purchases these items. Replacement cost for the remainder of such items was estimated by applying an index of relevant purchase prices to the historical cost of such items.

Finished goods and work in process have been estimated on the basis of standard costs adjusted to reflect current material, labor, and overhead variances as well as replacement cost depreciation of buildings, and machinery and equipment determined on a straight-line basis.

Where practicable, the replacement cost of machinery and equipment was estimated on the basis of current quoted market prices (approximately 70% of such assets in the United States and 40% elsewhere) for new machinery of equivalent capacity. With one exception, the replacement cost of remaining machinery and equipment was estimated by applying index numbers which were derived from recent cost data for items of similar productive capacity. The exception consists of production and materials handling equipment in one plant which is scheduled to be phased out of use in 1978 and replaced by fully automated facilities with a 30% greater capacity. The current quoted acquisition prices of the new equipment have been reduced by the portion estimated to be applicable to the additional capacity.

The replacement cost of buildings acquired within the last five years was estimated by applying published construction cost indexes to the acquisition prices of the buildings. For older buildings, current estimated con-

struction cost to obtain equivalent floor space was used.

Replacement cost of sales was estimated through adjustment of historical costs for the approximate three-month time lag between incurring inventory costs and their subsequent conversion into sales revenues. Average production costs increased by approximately 1 percent a month during 1976.

Depreciation based on the replacement cost of productive capacity has been estimated on a straight-line basis using the same estimates of useful life and salvage value utilized in preparing the historical cost financial statements. Average replacement cost of productive capacity during the year, exclusive of 1976 additions, was the basis upon which depreciation expense was computed; depreciation for current year additions is stated at historical cost.

All replacement cost amounts related to foreign assets have been initially calculated in the relevant foreign currency and then translated to U.S. dollars using year end rates of exchange. Replacement cost amounts related to foreign cost of sales and depreciation expense have been translated using average annual rates of exchange.

Replacement cost information required by § 210.3-17 is as follows:

(Dollars in thousands)

	Replacement cost (unsold)	Historical cost
At Dec. 31, 1976:		
Inventories:		
Raw materials and supplies.....	\$40,000	\$35,904
Work in process.....	9,000	9,115
Finished goods.....	20,000	18,904
Total.....	69,000	63,926
Property, plant and equipment (excluding land):		
Buildings.....	60,000	43,226
Machinery and equipment.....	119,000	76,335
Leasehold improvements.....	2,000	1,539
Total.....	181,000	121,101
Accumulated depreciation.....	85,000	59,585
Total.....	93,000	64,605
For the year ended Dec. 31, 1976:		
Cost of sales, including \$22,000 replacement cost depreciation and \$10,404 of historical cost depreciation.....	424,000	353,946
Other depreciation expense.....	12,000	5,946

on the Company's current costs of operating the business. § 210.3-17 does not require consideration of these effects on assets and liabilities other than inventories and productive capacity. The Company has not attempted to quantify the total impact of inflation and changes in other economic factors on its business because of the many unresolved conceptual problems involved in doing so. Further, the above replacement cost information standing alone does not recognize the customary relationships between cost changes and changes in selling prices. (Add one of the following):

(a) The Company has demonstrated over the years an ability to adjust selling prices to maintain profit margins. The Company is not aware of any economic factors that would prevent it from maintaining its historical customary relationships between cost changes and changes in selling prices.

(b) The Company has attempted over the years to adjust selling prices to maintain profit margins. Competitive conditions permitting, the Company expects to modify its selling prices to recognize future cost changes.

(c) Competitive and regulatory conditions over the years have prevented the Company from fully recognizing the effects of cost changes in its selling prices. Competitive and regulatory conditions permitting, the Company will attempt in the future to modify its selling prices to recognize cost changes.

(d) Although the Company will attempt to modify its selling prices to recognize future cost changes, competitive and regulatory conditions may preclude its ability to do so. The following table reconciles the historical cost amounts for which replacement cost data are provided to the related totals shown in the consolidated financial statements:

(Dollars in thousands)

	Inventories	Property, plant and equipment (exclusive of land)	Accumulated depreciation
At Dec. 31, 1976:			
Amounts for which replacement cost data are provided.....	\$53,925	\$121,101	\$55,535
Present value of future rentals for noncapitalized financing leases as determined at inception of the leases (deduction).....		(7,405)	(1,659)
Assets and operations outside the North American continent and the European economic community, at cost.....	59,424	73,515	14,815
Total as shown on the accompanying consolidated balance sheet.....	120,350	187,211	67,745

(Dollars in thousands)

	Cost of Sales		Other depreciation Expense
	Other than depreciation	Depreciation	
For the year ended Dec. 31, 1976:			
Amounts for which replacement cost data are provided.....	\$373,542	\$10,404	\$5,946
Substitution of depreciation expense on noncapitalized financing leases for rental expense.....	3,070	(1,950)	(637)
Amounts related to assets and operations outside the North American continent and the European Economic Community.....	101,560	6,691	2,777
Total as shown in the accompanying consolidated income statement.....	478,172	15,145	8,086

[FR Doc.76-33902 Filed 11-17-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-324]

PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN

PART 113—CUSTOMS BONDS

License and Termination of Bonds

On April 7, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 15389) which proposed to amend § 112.26 of the Customs Regulations (19 CFR 112.26) pertaining to the duration of the license of a customhouse cartman or lighterman, and to add a new provision, § 113.56 (19 CFR 113.56), pertaining to the termination of the bond required as a condition of the customhouse cartage or lighterage license, the Bond of Customs Cartman or Lighterman, Customs Form 3855.

The purpose of the changes is to provide a procedure by which the Bond of Customs Cartman or Lighterman, Customs Form 3855, may be terminated and to provide for the notification of the

cartman or lighterman when the termination is requested by the surety without the consent of the principal (the cartman or lighterman). The changes emphasize that the Bond of Customs Cartman or Lighterman, Customs Form 3855, is a requirement for maintaining a customhouse cartman's or lighterman's license.

Interested persons were given 30 days from the date of publication of the notice to submit relevant written data, views, or arguments regarding the proposal. After consideration of the comments received, § 113.56(b) has been revised (1) to permit the surety to set the termination date, and (2) to provide a specific procedure for notifying the principal and the district director of the intent of the surety to terminate. Section 113.56(a) has been modified by the addition of a sentence to emphasize that the voluntary termination by a cartman or lighterman of his bond will result in the concurrent termination of his license. In addition, to facilitate the relicensing of cartmen and lightermen whose licenses were terminated because of the termination of their bonds, a new paragraph (c) has been added to section 112.22 to provide

The basic replacement cost data presented above do not reflect any operating cost savings which may result from the replacement of existing assets with assets of improved technology. If the Company's productive capacity were to be replaced in the manner assumed in the calculation of replacement cost of existing productive capacity, many costs other than depreciation (e.g., direct labor costs, repairs and maintenance, utility and other indirect costs) would be altered. Although these expected cost changes cannot be quantified with any precision, the current level of operating costs other than depreciation would be reduced as a result of the technological improvements assumed in the hypothetical replacement. In the opinion of management, such operating cost efficiencies (add one of the following):

- (a) Would be significant.
- (b) Would not be significant.
- (c) Would substantially offset the additional depreciation on a replacement cost basis.
- (d) Would more than offset the additional depreciation on a replacement cost basis.

The replacement cost information presented above does not reflect all of the effects of inflation and other economic factors

for the waiver by the district director in such cases of certain of the requirements that would otherwise apply to applicants for a license.

Accordingly, the proposed amendments, with the changes described above, are adopted as set forth below.

Effective date: These amendments shall become effective December 20, 1976.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: November 9, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

Section 112.22 is amended by adding a new paragraph (c) to read as follows:

§ 112.22 Application for license.

(c) *Reapplication by certain terminated licensees.* Where the applicant for a customhouse cartage or lighterage license has previously been issued such a license and the license has been terminated pursuant to § 113.56 of this chapter, the district director may waive the filing of the items described in paragraphs (a) (2) and (a) (3) of this section, as well as the investigation described in § 112.23, provided the application is made within 30 days of the effective date of the termination of the previous license. Any requirements waived by the district director under this paragraph will be deemed to have been complied with for purposes of § 112.24(b).

Section 112.26 is revised to read as follows:

§ 112.26 Duration of license.

A license issued in accordance with this subpart shall remain in force and effect until the license is suspended or revoked pursuant to § 112.30 or until the required bond is terminated pursuant to § 113.56 of this chapter.

(R.S. 251, as amended, secs. 551, 565, 624, 46 Stat. 742, as amended, 747, as amended, 759 (19 U.S.C. 66, 1551, 1565, 1624).)

Part 113 is amended by amending the heading for Subpart F which appears before § 113.51 and by adding a new § 113.56, to read as follows:

Subpart F—Assessment of Damages and Cancellation or Termination of Bond

§ 113.56 Termination of Bond of Customs Cartman or Lighterman.

(a) *Termination by cartman or lighterman.* A customhouse cartman or lighterman may terminate the Bond of Customs Cartman or Lighterman, Customs Form 3855, by filing with the district director by whose office the bond was approved a request for termination. The termination shall take effect on the date requested if the date is subsequent to the date of receipt of the request. If no termination date is requested or the termination date requested is prior to the date of receipt of the request, the termination shall take effect on the date of receipt of the request by the district director. If a new bond with good and sufficient sureties is not furnished by the

cartman or lighterman prior to the effective date of the termination of the previous bond, the customhouse cartman's or lighterman's license will terminate concurrently with the bond.

(b) *Termination by surety.* A surety may, with or without the consent of the principal, terminate the Bond of Customs Cartman or Lighterman, Customs Form 3855, on which it is obligated. The surety shall provide reasonable notice to both the district director by whose office the bond was approved and the principal of his intent to terminate. Such notice shall contain the date on which the termination shall be effective and shall be sent by certified mail, with a return receipt requested. If a new bond with good and sufficient sureties is not furnished by the cartman or lighterman prior to the effective date of the termination of the previous bond, the customhouse cartman's or lighterman's license will terminate concurrently with the bond.

(R.S. 251, as amended, secs. 551, 565, 623, 624, 46 Stat. 742, as amended, 747, as amended, 759, as amended (19 U.S.C. 66, 1551, 1565, 1623, 1624).)

[FR Doc.76-34113 Filed 11-17-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 19—REGULATIONS RELATING TO THE LEAA IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

Preparation of Environmental Impact Statement

Notice is hereby given of the following amendments to LEAA's regulations implementing the National Environmental Policy Act (N.E.P.A.) found at 28 CFR Part 19. The proposed amendments were first published in the FEDERAL REGISTER on December 3, 1975. LEAA received comments and the proposed amendments were then circulated through the A-85 clearance process.

The amendments which bring the regulations into accordance with statutory amendments of N.E.P.A. read as follows:

§ 19.10 [Amended]

1. In § 19.10(b) after the sentence "In some cases draft Environmental Impact Statements will be prepared by private consultants" insert the following:

(b) * * * Ordinarily, with programs or projects funded under Part C and E block grant awards, draft Environmental Impact Statements will be prepared by a State agency or official. For programs or projects which are funded by discretionary grant awards, the State agency or official may be requested by LEAA to prepare the draft environmental impact statement. Such State agency or official should have statewide jurisdiction and responsibility for the program or project. In such cases the responsible LEAA official will furnish guidance, participate in the preparation of the statement, and will independently

evaluate the statement prior to its approval and adoption. On statements prepared after January 1, 1976, the responsible LEAA official will provide early notification to, and solicit the views of, any other State or any Federal land management entity of any program or project which may have a significant impact upon such State or affected Federal land management entity. If there is any disagreement on the impact of the program or project, the responsible LEAA official will prepare a written assessment of such impact and views for incorporation into the final statement. * * *

2. Revise the last sentence of § 19.10 (b) as follows:

(b) * * * In all cases LEAA will make its own evaluation of the environmental issues and take responsibility for the scope, objectivity, and content of the draft and final Environmental Impact Statements.

A technical amendment is also being submitted. In 28 CFR 19.8, Designation of Responsible Officials, paragraph (d) dealing with designation of a responsible official in the Office of National Priority Programs should be omitted. Due to administrative reorganization, the Office of National Priority Programs is no longer in existence.

RICHARD W. VELDE,
Administrator.

[FR Doc.76-34107 Filed 11-17-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 643-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to New Jersey State Implementation Plan

This notice announces approval by the Environmental Protection Agency (EPA) of a revision to the New Jersey State Implementation Plan. The revision incorporates into the plan modifications and additions to section 7:27-8.1 et seq., "Permits and Certificates," of the New Jersey Administrative Code.

The revision was proposed by New Jersey on June 8, 1976 and announced in the FEDERAL REGISTER on August 19, 1976 (41 FR 35095). In the August 19, 1976 notice, EPA described in detail the proposed revision and also established a 30-day period for receipt of comments from the public on whether or not this revision should be approved. No comments were received.

In general, the proposed revision accomplishes the following:

1. It slightly modifies the definition of "particles" and "stack or chimney" as found in Subsection 8.1, "Definitions."
2. It adds definitions for "alteration," "equivalent stack diameter" and "stack diameter" to Subsection 8.1.
3. It modifies the wording found at subparagraph (a) (5) (ii) of Subsection 8.2, "Permits and Certificates Required."

4. It modifies the wording found at subparagraph (e) of Subsection 8.3, "General Provisions."

EPA has found no reason to change its preliminary determination that this revision should be included as part of the New Jersey State Implementation Plan.

Effective date: This revision to the New Jersey State Implementation Plan becomes effective on December 20, 1976.

(42 U.S.C. 1857c-5 and g.)

Dated: November 12, 1976.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart FF—New Jersey

1. In § 52.1570, paragraph (c) is amended by adding a new subparagraph (14) as follows:

§ 52.1570 Identification of plan.

(c) Supplemental information was submitted on:

(14) Revision to the Permits and Certificates regulation of the New Jersey Air Pollution Control Code, N.J.A.C. 7:27-8.1 et seq., submitted on June 8, 1976 by the New Jersey Department of Environmental Protection.

[FR Doc.76-33965 Filed 11-17-76;8:45 am]

[FRL 645-5]

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

Subpart A—Corn Wet Milling Subcategory NEW SOURCE PERFORMANCE STANDARDS

Notice is hereby given that the Environmental Protection Agency (EPA) is amending 40 CFR 406.15, the new source performance standards for the corn wet milling subcategory (Subpart A) of the Grain Mills Point Source Category, 40 CFR Part 406.

40 CFR Part 406 was promulgated on March 20, 1974, (39 FR 10515) pursuant to section 306(b) of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1316(b), 86 Stat. 816 et seq., Pub. L. 92-500.

The change being made is to the limitation on the discharge of total suspended solids (TSS) found in § 406.15.

This amendment of the new source standards follows the decision issued by the Court of Appeals for the Eighth Circuit on August 18, 1976, in the case of *CPC International Inc., et al. v. Russell E. Train, et al.*, No. 74-1448. In the opinion, the Eighth Circuit affirmed EPA's new source performance standards in all

respects save one. The Court, after reviewing available operating data from the biological and multimedia filter system at the Clinton Corn Processing Company in Clinton, Iowa, among other sources of information, determined that although BOD₅ could be removed to the 20 pounds per day level set by EPA, total suspended solids (TSS) could not be removed to attain a more stringent level of 10 pounds per day. The Court made its own assessment of the data and determined that the appropriate limit should be 25 pounds per day of total suspended solids on a monthly average. That assessment is set forth below:

On remand therefore, the EPA may adopt a new source standard of a maximum average of daily effluent levels for thirty consecutive days of 20 pounds of BOD₅ and 25 pounds of TSS per MSBu and a maximum daily effluent level of 60 pounds of BOD₅ and 75 pounds of TSS per MSBu. We urge it to do so.

We remand to the EPA with directions to it to revise the TSS standard to 25 pounds per MSBu or to compile additional evidence to support a lower standard. If the EPA decides to present a lower TSS standard we retain jurisdiction and direct the administrative process be completed in sixty days.

The issue of the appropriate suspended solids standards has been subjected to protracted controversy and litigation. Rather than gather additional evidence which might support a more stringent standard than the 25 pounds standard and thereby protract the rulemaking even more, the Agency has determined that the 25 pounds supported by the present record is an appropriate standard. It is therefore in the public interest to proceed with this alternative indicated in the 8th Circuit Court's opinion.

In view of the sixty day period for action set by the Court and in view of the fact that no additional data are being assessed as the basis for this amendment, the Agency is dispensing with a notice of proposed rulemaking prior to this amendment.

In accordance with the above opinion, the new source standards for the corn wet milling subcategory of the grain mills point source category (40 CFR 406.15) (Subpart A), are amended as set forth below and are effective on November 18, 1976.

Dated: November 12, 1976.

JOHN QUARLES,
Acting Administrator.

40 CFR Part 406 is amended by revising Subpart A, § 406.15 to read as follows:

§ 406.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations (Metric units—kilograms per 1,000 kg of corn)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
BOD ₅	1.08	0.25
TSS.....	1.35	.45
pH.....	(1)	(1)
(English units—pounds per 1,000 stbu of corn)		
BOD ₅	60	20
TSS.....	75	25
pH.....	(1)	(1)

(1) Within the range of 6.0 to 9.0.

[FR Doc.76-33967 Filed 11-17-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR TEMPORARY REGULATION NO. 23]

PART 9-3—PROCUREMENT BY NEGOTIATION

Cost Accounting Standards, Filing of Disclosure Statements

NOVEMBER 10, 1976.

1. *Purpose.* This regulation supersedes ERDA-PR Temporary Regulation No. 14, dated January 12, 1976, same subject and provides a new Cost Accounting Standards Solicitation Notice.

The Cost Accounting Standards Board revised its regulations to provide for the filing of a Disclosure Statement by any company which, together with its subsidiaries:

(a) received net awards of negotiated national defense prime contracts subject to cost accounting standards totaling more than \$10 million in either fiscal year 1974 or 1975. Effective January 1, 1976, contracts subject to cost accounting standards requirements may not be awarded to companies meeting this revised requirement unless they have filed a Disclosure Statement or a post-award submission has been authorized in accordance with FPR 1-3.1203(d).

(b) received net awards of negotiated national defense prime contracts and subcontracts subject to cost accounting standards totaling more than \$10 million in Federal Fiscal Year 1976, or which receives such awards in any subsequent Federal Fiscal Year. A completed Disclosure Statement must be submitted by March 31, of the year following the Federal Fiscal Year in which the threshold was met. Effective March 31 of the year following the Federal Fiscal Year in which the threshold was met, contracts subject to cost accounting standards requirements may not be awarded to companies meeting this revised requirement unless they have filed a Disclosure Statement or a post award sub-

mission has been authorized in accordance with FPR 1-3.1203(d).

These revised filing requirements supplement those previously established. However, the Cost Accounting Standards Board has provided that any company which either has submitted or, by reason of having received a covered award, is obligated to submit a Disclosure

Statement under previously effective filing requirements shall remain subject to the disclosure requirement so long as the company has any contracts subject to cost accounting standards. For convenience, the following tabulation summarizes the various CASB actions regarding these requirements.

Federal fiscal period	Government contracts to be included in computation	Threshold Amount (millions)	Effective date
Fiscal years:			
1971.....	Net negotiated prime defense contracts.....	\$30	Oct. 1, 1972.
1972, 1973.....	Defense prime contracts of the type subject to CAS.....	10	Jan. 1, 1974.
1974, 1975.....	Defense prime contracts subject to CAS.....	10	Jan. 1, 1976.
1976.....	Defense prime contracts and subcontracts subject to CAS.....	10	Mar. 31, 1977.
Following years.....	Defense prime contracts and subcontracts subject to CAS.....	10	March 31 following fiscal year.

(c) In view of this revision of disclosure filing requirements, the Cost Accounting Standards Board also has amended paragraph 403.70(a) of Standard 403 to state the applicable exemption explicitly rather than by cross reference to disclosure filing requirements. This is an editorial change only, with no substantive effect on the exemption.

2. **Effective date:** This regulation is effective November 18, 1976.

3. **Expiration date:** This regulation will remain in effect until the Federal Procurement Regulations are updated to incorporate the referenced changes to the Cost Accounting Standards Board regulations.

4. In § 9-3.1203, add paragraphs (a) (3) and (b), as follows:

§ 9-3.1203 Applicability of cost accounting standards and prime contractor disclosure statement(s).

(a) **Solicitation notice.** * * *

(3) **Notice for solicitations.** Insert the following notice in all solicitations which are likely to result in a negotiated contract exceeding \$100,000 unless the procurement is exempted under FPR 1-3.1203 (a) (1) or (a) (2):

DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION

Any contract in excess of \$100,000 resulting from this solicitation except (1) when the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation or (2) contracts which are otherwise exempt (see 4 CFR 331.30(b) and FPR § 1-3.1203(a)(2)) shall be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal, which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation (see (I) below) unless (1) the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards exceeding the monetary exemption for disclosure as established by the Cost Accounting Standards Board (see (II) below); (2) the

offeror exceeded the monetary exemption in the Federal Fiscal Year immediately preceding the year in which this proposal was submitted but, in accordance with the regulations of the Cost Accounting Standards Board, is not yet required to submit a Disclosure Statement (see (III) below); (3) the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal (see (IV) below); or (4) post award submission has been authorized by the Contracting Officer. See 4 CFR 351.70 for submission of a copy of the Disclosure Statement to the Cost Accounting Standards Board.

CAUTION: A practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data.

Check the appropriate box below:

☐ **I. CERTIFICATE OF CONCURRENT SUBMISSION OF DISCLOSURE STATEMENT(S)**

The offeror hereby certifies that he has submitted, as a part of his proposal under this solicitation, copies of the Disclosure Statement(s) as follows: (1) original and one copy to the cognizant Contracting Officer; and (2) one copy to the cognizant contract auditor.

Date of Disclosure Statement(s):
Name(s) and Address(es) of Cognizant Contracting Officer(s) where filed:

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

☐ **II. CERTIFICATE OF MONETARY EXEMPTION**

The offeror hereby certifies that he, together with all divisions, subsidiaries and affiliates under common control did not receive net awards of negotiated national defense prime contracts totaling \$30 million or more during Federal fiscal year 1971; and did not receive net awards of negotiated national defense prime contracts subject to Cost Accounting Standards totaling more than \$10 million in any of the Federal fiscal years 1972, 1973, 1974, or 1975; and net awards of negotiated national defense prime contracts and subcontracts subject to Cost Accounting Standards totalling more than \$10 million in Federal fiscal year 1976, or in any subsequent Federal fiscal year preceding the year in which this proposal was submitted.

CAUTION: Offerors who submitted or who currently are obligated to submit a Disclosure Statement under the filing threshold established by the Cost Accounting Standards Board for a Federal fiscal year prior to the

one immediately preceding the year in which this proposal was submitted may be eligible to claim this exemption if they have received notification of final acceptance of all deliverable items on all their prime contracts and subcontracts containing the Cost Accounting Standards clause.

☐ **III. CERTIFICATE OF INTERIM EXEMPTION**

The offeror hereby certifies that (1) he first exceeded the monetary exemption for disclosure, as defined in (II) above, in the Federal Fiscal Year immediately preceding the year in which this proposal was submitted, and (2) in accordance with the regulations of the Cost Accounting Standards Board (4 CFR 351.40(f)), he is not yet required to submit a Disclosure Statement. The offeror further certifies that if an award resulting from this proposal has not been made by March 31 of the current Federal Fiscal Year, he will immediately submit a revised certificate to the Contracting Officer, in the form specified under (I) above or (IV) below, as appropriate, to verify his submission of a completed Disclosure Statement.

CAUTION: Offerors may not claim this exemption if they are currently required to disclose because they exceeded monetary thresholds in Federal Fiscal Years prior to fiscal year 1976. Further, the exemption applies only in connection with proposals submitted prior to March 31 of the year immediately following the Federal Fiscal Year in which the monetary exemption was exceeded.

IV. CERTIFICATE OF PREVIOUSLY SUBMITTED DISCLOSURE STATEMENT(S)

The offeror hereby certifies that the Disclosure Statement(s) were filed as follows:
Date of Disclosure Statement(s):
Name(s) and Address(es) of Cognizant Contracting Officer(s) where filed:

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

(b) **Preaward submission of Disclosure Statement(s).** Unless the procurement is exempted under § 1-3.1203(a) (1) or (2), each offeror submitting an offer which could result in a negotiated contract exceeding \$100,000 shall furnish copies of his Disclosure Statements to the offices listed in § 1-3.1203(c) concurrently with the submission of his proposal to the contracting officer, except when the offeror has executed the Certificate of Monetary Exemption Certificate of Interim Exemption, or the Certificate of Previously Submitted Disclosure Statement (see § 9-3.1203(a)(3)). More than one Disclosure Statement may be required in connection with the award of a contract (see 4 CFR 351.40(a)). Award of a contract shall not be made until a determination has been made by the contracting officer or his authorized representative that a Disclosure Statement is adequate (see § 1-3.1205(b)), unless, in order to protect the interests of the Government the contracting officer waives this requirement. In this event, a determination shall be made as soon after award as possible.

(Sec. 105, Energy Reorganization Act of 1974 (Pub. L. 93-438).)

M. J. TASHJIAN,
Director of Procurement.

[FR Doc.76-33928 Filed 11-17-76;8:45 am]

Title 45—Public Welfare
CHAPTER X—COMMUNITY SERVICES
ADMINISTRATION

PART 1069—GRANTEE PERSONNEL
MANAGEMENT

Subpart—Travel Regulations for CSA
Grantees and Delegate Agencies

Public Law 94-22 amended the Standardized Government Travel Regulations to permit 15½ cents per mile for costs incurred for operating a privately-owned automobile. CSA regulations require that CSA-funded grantees follow the Standardized Government Travel Regulations unless their regulations are more restrictive. Therefore, CSA is amending § 1069.3-4(a) (2) to permit grantees to adopt the higher mileage rate. This amendment will be effective upon publication as it reflects a change in law which has previously been published in the FEDERAL REGISTER.

Effective date: November 18, 1976.

(Sec. 502, 78 Stat. 530; 42 U.S.C. 2642.)

ROBERT C. CHASE,
Deputy Director.

In § 1069.3-4, paragraph (a) (2) is amended to read as follows:

§ 1069.3-4 General travel regulations.

(a) * * *

(1) * * *

(2) Mileage costs for use of privately owned automobiles shall be paid in accordance with prevailing rates in a community. In no event, however, may the rates paid exceed 15½ cents a mile.

[FR Doc.76-34125 Filed 11-17-76;8:45 am]

[CSA Instruction 6910-2c]

PART 1069—GRANTEE PERSONNEL
MANAGEMENT

Subpart—Per Diem Rates for CSA
Grantees and Delegate Agencies

Although the Standardized Government Travel Regulations do not apply by their terms to CSA grantees or delegate agencies, CSA has determined that the regulations contained therein represent reasonable restrictions and limitations which CSA grantees and delegate agencies should not exceed.

On September 30, 1976 the General Services Administration filed changes to the Federal Travel Regulations in the FEDERAL REGISTER to be effective on or after October 3, 1976. CSA's regulations published herein effectuate those changes for CSA grantees, i.e., the maximum allowable per diem rate is increased to \$35.00 and Philadelphia, Pennsylvania and Newark, New Jersey have been added to the list of high rate geographical areas. These regulations are effective on November 18, 1976, due to the fact that changes to the Federal Travel Regulations have previously been announced in the FEDERAL REGISTER.

Effective date: November 18, 1976.

(Sec. 602, 78 Stat. 503, 42 U.S.C. 2942.)

ROBERT C. CHASE,
Deputy Director.

The regulations on per diem rates, 45 CFR 1069.4 are revised to read as follows:

Sec.

1069.4-1 Applicability.

1069.4-2 Purpose.

1069.4-3 Policy.

1069.4-4 Methods of reimbursement.

1069.4-5 Computation of expenses.

§ 1069.4-1 Applicability.

This subpart applies to all grant programs financially assisted under Titles II, III-B and VII of the Community Services Act of 1974, if such assistance is administered by the Community Services Administration.

§ 1069.4-2 Purpose.

The purpose of this subpart is to establish the method for CSA grantees and delegate agencies to compute per diem rates.

§ 1069.4-3 Policy.

(a) Grantees and delegate agencies that follow the travel policies in the SGTR are hereby authorized to reimburse employees, consultants and members of governing or administering boards up to a maximum per diem rate not in excess of \$35.00 except when actual subsistence expenses travel is authorized or approved due to the unusual circumstances of the travel assignment or travel to a designated high rate geographical area.

(b) The SGTR per diem and actual expense rates are maximum and are not intended to be applied on a blanket basis to all grantee or delegate agency travel. Grantees and delegate agencies shall establish their own rules for determining when the maximum (whether SGTR or the agency's own lower maximum) shall be used and when the lower rates shall apply. Factors which should be considered when setting per diem rates are cost of lodging and meals in the locality; availability of meals and lodging at temporary duty locations without charge, or at nominal cost; special rates for meals and lodging at meetings or conferences; and extended duty at a place where the traveler may obtain accommodations at reduced rates.

(c) The maximum rates adopted by a grantee or delegate agency for official travel outside the continental United States shall be no higher than those prescribed by the Civilian Personnel Per Diem Bulletin.

(d) Increased travel costs necessitated by increased per diem rates must be absorbed within existing grant funds.

(e) The per diem rates in this subpart are effective (for travel performed on or after October 3, 1976) November 18, 1976.

§ 1069.4-4 Methods of reimbursement.

(a) *Per diem rate reimbursement.* The amount of the per diem paid must be based on the average lodging cost per trip (including applicable taxes) not to exceed \$19.00 plus a daily allowance for meals and miscellaneous expenses not to exceed \$16.00. However, if an agency's own travel policies establish a lower maximum per diem rate, or the terms of its grant require a lower rate, the lower maximum applies.

(b) *Travel to high rate geographical areas.* Also allowed is the payment of actual subsistence expenses whenever temporary duty travel is performed to or in a location designated by the General Services Administration as a high rate geographical area, except when the high rate area is only an intermediate stop-over point at which no official duty is performed.

Designated high rate geographical areas: *Prescribed maximum daily rate*

Boston, Mass. (all locations within the corporate limits of Boston and Cambridge, Mass.)	\$49.00
Chicago, Ill. (all locations within the corporate limits thereof)	43.00
Newark, N.J. (all locations within the corporate limits thereof)	42.00
Los Angeles, Calif. (all locations within the outer boundaries of the corporate limits of the city of Los Angeles, including those areas surrounded by the City of Los Angeles and the Pacific coastline)	40.00
New York, N.Y. (all locations within the boroughs of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island)	50.00
Philadelphia, Pa. (all locations within the city of Philadelphia)	46.00
San Francisco, Calif. (all locations within the corporate limits of San Francisco and Oakland, Calif.)	41.00
Washington, D.C. (all locations within the corporate limits of Washington, D.C.; the Cities of Alexandria, Falls Church, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland)	50.00

(c) *Unusual circumstances.* (1) Actual subsistence expense reimbursement may be authorized or approved for specific travel assignments within and outside the continental United States when it is determined that the maximum per diem allowance would be inadequate due to the unusual circumstances of the travel assignment.

(2) Actual subsistence expense reimbursement shall not be authorized or approved solely on the basis of inflated lodging and/or meal costs since inflated costs are common to all travelers; some unusual circumstances of the traveler's assignment must be involved to cause the lodging and/or meal costs to be higher than those which normally would be incurred at a particular location.

(3) Travel which involves unusual circumstances may include, but is not limited to, the following situations: (i) The traveler attends a meeting, conference, or training session away from his official duty station where lodging and/or meals must be procured at a prearranged place (such as the hotel where the meeting, conference, or training session is being held) and the lodging costs, incurred because of such prearranged accommodations, absorb all or practically all of the maximum per diem allowance.

(ii) The traveler, by reason of the assignment, necessarily incurs unusually high expenses in the conduct of official

business such as for superior or extraordinary accommodations including a suite or other quarters for which the charge is well above that which he would normally have to pay for accommodations.

(iii) The traveler necessarily incurs unusually high expenses incident to his assignment to accompany another traveler in a situation as described above.

(4) For travel within the continental United States involving unusual circumstances the maximum daily rate is \$50.00.

§ 1069.4-5 Computation of expenses.

(a) Traveler may be authorized on both per diem basis and an actual subsistence expense basis during a single trip when travel is performed in several locations including high rate geographical areas; however, only one method of reimbursement (per diem or actual subsistence expense) shall be authorized within the same day.

(b) In instances of mixed travel involving both per diem and actual subsistence expenses, or several high rate geographical areas, the method of reimbursement and authorized rate for a calendar day (beginning at 12:01 a.m.) shall be determined by the location where the lodgings are obtained for that day. For example, when a traveler travels to a high rate geographical area where he performs official duties and obtains lodging, the reimbursement would be made under the actual subsistence expense method for the entire day not to exceed the maximum rate prescribed for the high rate area where the lodgings were obtained.

(c) The method of reimbursement for the day of return travel shall be computed at the same rate as authorized for the first day of travel. For example, if a traveler is authorized actual subsistence expense reimbursement for the first day of travel, reimbursement for the day of return shall also be on actual subsistence basis; if per diem is authorized for the first day of travel, per diem shall also be authorized for the day of return to home or official station.

(d) *Per diem.* (1) To determine the average cost of lodging, divide the total amount paid for lodgings during the period covered by the voucher by the number of nights for which lodgings were or would have been required while away from the official station, including any nights for which free lodging, if any, was received. Exclude from this computation the night of the employee's return to his residence or official station. If the average cost of lodging exceeds \$19.00, \$19.00 shall be used as the average cost of lodging.

(2) To the average cost of lodging add the allowance for meals and miscellaneous expenses. The resulting amount rounded to the next whole dollar, subject to the maximum, is the per diem rate to be applied to the traveler's reimbursement voucher. This rate will be multiplied by the number of days or quarterly fractions thereof to determine the amount of per diem for which the traveler is reimbursed.

(3) Receipts for lodging costs may be required at the discretion of each agency; however, employees are required to certify on their vouchers that per diem claimed is based on the average cost for lodging while on official travel within the continental United States during the period covered by the voucher.

(e) *Actual subsistence expenses.* For travel to designated high rate geographical areas and under unusual circumstances (§ 1069.4-4(c)) the traveler must itemize on his travel voucher the cost of each meal (no receipt required) and the actual cost of each night's lodging supported by hotel or motel receipts. The traveler shall be reimbursed for the actual expenses incurred for each day or the daily maximum, whichever is lower. If actual expenses for a given day exceed the daily maximum the excess may not be applied to another day in which actual expenses are less than the daily maximum.

[FR Doc.76-34126 Filed 11-17-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 69-19; Notice 16]

PART 571—MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108 Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, in minor respects.

This agency recently reviewed Motor Vehicle Safety Standard No. 108 and discovered five minor errors which this notice corrects. The first is an amendment of S4.1.1.4 to substitute SAE Standard J594e, "Reflex Reflectors", March 1970 as the referenced SAE Standard, a change inadvertently omitted when Table I and Table III were amended to incorporate J594e (37 FR 15514, August 3, 1972). The second corrects typographical errors in S4.1.1.17 that occurred in the republication of the standard on August 23, 1976 (41 FR 35522). The third is a correction of S4.3.1 which currently excludes "S4.3.1.8" from its applicability. There is no S4.3.1.8. The fourth amendment corrects a typographical error in S4.3.1.1.1 that also occurred in the republication of the standard. The final amendment substitutes "J593c, February 1968" in Table III as the referenced standard for backup lamps, in place of "J593e, July 1972". This error initially occurred in "Volume 49 CFR Parts 200 to 999 revised as of October 1, 1975."

In consideration of the foregoing 49 CFR 571.108, Motor Vehicle Safety Standard No. 108 is amended as follows.

§ 571.108 [Amended]

1. In S4.1.1.4, the words "J594d, Reflex Reflectors, March 1967" are deleted and the words "J594e, Reflex Reflectors, March 1970" are substituted.

2. In S4.1.1.17 the lamps specified are corrected to read: "Tail lamp, stop lamp, and rear reflex reflector".

3. In S4.3.1, the beginning phrase of the first sentence "Except as provided in S4.3.1.1 through S4.3.1.8" is deleted and the phrase "Except as provided in succeeding paragraphs of S4.3.1" is substituted.

4. In S4.3.1.1.1, the phrase "front and rear" is corrected to read: "front and rear".

5. In Table III, the applicable SAE Standard specified in the final column for backup lamps is corrected to read: "J593c, February 1968".

Effective date: November 18, 1976. Since the amendments are corrective in nature and impose no additional burden upon any person, it is found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest.

(Secs. 103, 119, Pub. L. 89-503, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on November 12, 1976.

JOHN W. SNOW,
Administrator.

[FR Doc.76-33955 Filed 11-17-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 56 (Sub-No. 19)]

PART 1100—GENERAL RULES OF PRACTICE

Revised Content Requirements and Page Limitations On Petitions for Reconsideration

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 8th day of November 1976.

It appearing, that by notice of proposed rulemaking dated October 24, 1975, the Commission instituted the above-entitled rulemaking proceeding; that on November 10, 1975, notice of this rulemaking proceeding was published in the FEDERAL REGISTER inviting written comments by any person wishing to make representations in favor of, or against, the proposed rule amendment;

It further appearing, that investigation of the matters and things involved in this proceeding has been made; and that the Commission, on the date hereof, has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof;

It is ordered, That Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding to the present rule 101(d) (49 CFR 1100.101(d)) the language set forth in the attached notice.

It is further ordered, That this order shall become effective on December 30, 1976, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy of the attached notice with the Director, Office of the FEDERAL REGISTER (49 U.S.C. 304 and 305, 5 U.S.C. 553 and 559).

By the Commission.

ROBERT L. OSWALD,
Secretary.

REVISED CONTENT REQUIREMENTS AND PAGE
LIMITATIONS ON PETITIONS FOR RECON-
SIDERATION

NOTICE OF RULE CHANGE

• **Purpose.** The purpose of this document is to announce the adoption of revised content requirements and page limitations on petitions for reconsideration filed with the Interstate Commerce Commission. •

There was published in the FEDERAL REGISTER on November 10, 1975 (40 FR 52417) a notice of proposed rulemaking involving a revision of the Commission's general rules of practice dealing with petitions for reconsideration. The present rule 101(d), 49 CFR 1100.101(d), requires that exceptions to statements of fact or matter of law and points relied upon to support exceptions to conclusions made in the prior decision must be stated and numbered separately. When exception is taken to a statement of fact, reference must also be made to the page or part of the record relied upon to support the exception and a corrected statement must be incorporated. While generally petitions filed pursuant to this section of the rules have followed the noted requirements, such compliance has not been uniform.

The amended rule requires petitioners to set forth the necessary specifications of alleged error, relief sought, and argument in support thereof, in summary form in a preface to the petition, suitably paraphrased, which shall be a succinct, but accurate and clear, condensation of the matters raised on petition. The preface shall not exceed 3 pages, except in extraordinary circumstances, and upon leave granted. It is anticipated that such waiver of the page limitation shall be granted only in those proceedings which involve novel or complex issues of fact or law. Replies to petitions shall, in no greater number of preface pages, address, point by point, the specifications set forth in the preface to the petition to which they are directed. In addition to the above amendment, the Commission has imposed a 10-page limitation (except in extraordinary circumstances and upon leave granted) upon petitions for reconsideration in those cases wherein a division has already considered either exceptions or a prior petition for appellate review.

The amended rule is designed to encourage parties to organize their presentation better, to enable the Commission

to identify the key issues in the case, to streamline the internal review process, and to direct attention to new issues raised by prior appellate action.

The above-specified rule change was made under the authority of sections 204 and 205 of the Interstate Commerce Act (49 U.S.C. 304 and 305) and sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559). The effective date of the Commission's order in this proceeding is December 30, 1976.

Accordingly, 49 CFR 1100.101(d) is amended by adding the following language to the end thereof:

* * * * *

§ 1100.101 Petitions for reheating, reargument, or reconsideration, (Rule 101).

(d) * * * Such specifications of alleged error, relief sought, and argument in support thereof must be summarized, in a preface to the petition, suitably paraphrased, which shall be a succinct, but accurate and clear, condensation of the matters raised on petition. Except in extraordinary circumstances, and upon leave granted, the preface shall not exceed three pages. Replies to petitions shall also contain a preface of no more pages than permitted in the petition's preface, and shall address, point by point, the specifications of alleged error, relief sought, and argument in the preface to the petition. Except in extraordinary circumstances, and upon leave granted, in proceedings in which a division reverses, changes, or modifies a prior decision by a hearing officer or an employee board, petitions for reconsideration addressed to the division in an appellate capacity, and replies thereto, shall not exceed 10 pages, in addition to the preface required by this paragraph.

* * * * *

[FR Doc.76-34066 Filed 11-17-76;8:45 am]

PART 1101—TEMPORARY OPERATING
AUTHORITIES AND APPROVALS

Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of November 1976.

It is ordered, That based on the reasons set forth in the attached notice, Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified as set forth in the attached notice.

It is further ordered, That this order shall become effective on November 18, 1976.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the

Federal Register for publication in the FEDERAL REGISTER as notice to interested persons.

By the Commission.

ROBERT L. OSWALD,
Secretary.

At a general session of the Interstate Commerce Commission, the Commission voted on November 9, 1976, to amend 49 CFR Part 1101, (a) by changing the introductory language of § 1101.1 from:

The Commission will determine upon written request by any interested party, or it may determine upon its own initiative, whether under section 558 of the Administrative Procedure Act (5 U.S.C. 558):

to:

§ 1101.1 Extension of temporary operating authority or approval.

Pursuant to section 558 of the Administrative Procedure Act (5 U.S.C. 558), when an applicant has made timely and sufficient application for a renewal of, or new, authority or approval in accordance with applicable Commission rules:

(b) by deleting the last sentence of § 1101.1, which reads:

In order to afford sufficient time for consideration and action thereon, a written request for such a determination should be filed not later than 30 days prior to expiration of the temporary operating authority or approval.

and, (c) by changing the introductory language of § 1101.2 from:

In making the determination provided in § 1101.1, the Commission will be guided by the following interpretations of the provisions of the last sentence of section 558 of the Administrative Procedure Act (5 U.S.C. 558), and of the provisions of section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)):

to:

§ 1101.2 Definitions and interpretations.

A determination as to the applicability of § 1101.1 will be guided by the following interpretations of the provisions of the last sentence of section 558 of the Administrative Procedure Act (5 U.S.C. 558), and of the provisions of section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)):

The purpose of this amendment is to reflect that continuation in force of any temporary operating authority, granted under section 210a(a) or 311(a) of the Interstate Commerce Act (49 U.S.C. 310a(a) and 311(a)), and any temporary approval, granted under sections 210a(b) or 311(b) of the Interstate Commerce Act (49 U.S.C. 310a(b) and 311(b)), is automatic, pursuant to section 558 of the Administrative Procedure Act (5 U.S.C. 558), when the criteria of section 558 are satisfied.

[FR Doc.76-34067 Filed 11-17-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on November 18, 1976.

§ 26.34 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The landing and operation of aircraft in the Kenai National Moose Range, under other than emergency conditions, is prohibited except as authorized in the following designated areas: North of the Sterling Highway aircraft may land on lakes except those lakes with recreational developments including campgrounds, camp sites, road waysides with connecting access trails, and the canoe system lakes. Furthermore, the Swan Lake Canoe Route area and the several public recreational lakes bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the north-south section line immediately west of Arrow Lake (located at the eastern terminus of Swan Lake Road) and continuing south 5.8 miles to its intersection with the Moose River (½ mile SE of the eastern most shore of Swan Lake), thence downstream the Moose River, and bounded on the south by the Moose Range boundary, is not a designated aircraft landing area; south of the north shoreline of the Kenai River and Skilak Lake, aircraft may land on lakes and rivers except the following lakes not authorized for aircraft operations include: Benchland, Cirque, Crater, Emma, Horsetrail, Marmot Lakes, Newman's, Timberline, Trophy and Wolverine;

a. The landing of aircraft on any road, glacier or ice field is also prohibited.

b. Hidden Lake, Swanson Lake, Gene Lake, and Pepper Lake are designated aircraft landing areas, in season, for the purpose of sport ice fishing only.

c. Bottenintnin Lake is a designated aircraft landing area.

The operation of off-road vehicles commonly referred to as all-terrain vehicles (ATV's) is prohibited on the Kenai

National Moose Range except the use of lightweight, motorized vehicles commonly identified by the general term "snowmobile" is authorized on certain designated areas of the Kenai National Moose Range and subject to the following special conditions:

1. Only snowmobiles with an overall width of 40 inches or less will be permitted.

2. The use of snowmobiles will be authorized during the period of December 1, 1976 through April 30, 1977, and only when snow depth is sufficient to protect underlying vegetation and terrain along the route of travel and when determined and announced by the refuge manager.

3. The use of snowmobiles is prohibited in those game management units of the Kenai National Moose Range, during an established moose hunting season. The use of snowmobiles as an aid in big game hunting or for transporting big game animals, except fur animals, is not authorized.

4. The use of snowmobiles on maintained roads within the Moose Range is prohibited, except that, a snowmobile may cross a maintained road only after stopping and when traffic on the roadway allows crossing safely.

5. That area above timberline location between Skilak lake and Tustumena lake is not authorized for snowmobile use.

6. The area within T.4 N., R.10 W., Section 5 and those portions of Sections 6 and 7 east of the Sterling Highway right-of-way, including the Soldotna Ski Hill, the cross-country ski trails, Headquarters Lake and Nordic Lake, is not a designated snowmobile area.

7. The use of snowmobiles for racing purposes is prohibited.

8. The Swanson River canoe route lakes and portages are closed to snowmobile use.

9. An area including the Swan Lake canoe route and several road connected public recreational lakes is not a designated snowmobile area. That area closed to such use is bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the section line immediately west of Arrow Lake (which is located at the eastern terminus of Swan Lake road open to the public) and proceeds south 5.8 miles to its intersection with the headwaters of Moose River (one-half mile southeast of the easternmost shore of Swan Lake), thence downstream along the west bank of Moose River, and

bounded on the south by the Moose Range boundary.

Regulations and maps describing designated aircraft landing/snowmobile areas are available at the Kenai National Moose Range Headquarters, Box 500, Kenai, Alaska 99611, phone 283-4877.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through May 31, 1977.

ROBERT A. RICHEY,
Acting Refuge Manager, Kenai
National Moose Range, Kenai,
Alaska 99611.

NOVEMBER 2, 1976.

[FR Doc.76-34079 Filed 11-17-76;8:45 am]

PART 33—SPORT FISHING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on November 18, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Kirwin National Wildlife Refuge, Kansas is permitted from January 1 through December 31, 1977, inclusive, on all areas not designated by signs as closed to fishing. These open areas, comprising 5,000 acres, are delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

KEITH S. HANSEN,
Refuge Manager, Kirwin Na-
tional Wildlife Refuge, Kir-
win, Kansas.

NOVEMBER 8, 1976.

[FR Doc.76-34080 Filed 11-17-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 2]

FINANCIAL ASSISTANCE TO PARTICIPANTS IN COMMISSION PROCEEDINGS

Statement of Considerations Terminating Rulemaking

Since August of 1975, the Commission has had under consideration in an informal rulemaking proceeding (PR-2) the matter of possible financial assistance to participants in its proceedings (40 FR 37056, Aug. 25, 1975). At the time the rulemaking was initiated, the Commission had the benefit of a specially commissioned study of such funding to assist in identifying relevant issues and to provide a data base for the projected rulemaking. Extensive public comments on the legal, policy and practical questions involved, and on the funding study, have been received and analyzed. The Comptroller General of the United States has rendered an opinion concerning the extent of the Commission's authority to render financial assistance. And the Commission has drawn upon its own experience and that of its regulatory staff and adjudicatory boards in considering the questions presented by the funding concept.

On the basis of these considerations, as set forth hereafter, the Commission has determined not to initiate a program to provide funding for participants in its licensing, enforcement and antitrust proceedings, and, as a general proposition, in its rulemaking proceedings. These determinations rest upon both policy considerations and the limited extent of the Commission's present authority to extend financial assistance under the Comptroller General's ruling. However, the Commission has decided to propose a framework for the provision of direct financial assistance in its pending proceeding to determine whether widescale commercial use of mixed oxide fuel should be authorized (commonly called the "GESMO" proceeding), because of the extraordinary importance and far-reaching ramifications of that particular proceeding. The Commission intends to ask the next Congress for a specific appropriation from which funding for GESMO participants could be provided. The Commission has also decided to relieve qualified participants in the GESMO proceeding of some procedural cost burdens they would otherwise have to bear, and to study measures available for similar relief in other proceedings.

This statement will discuss in appropriate detail the procedural background of this matter, the extent of the Com-

mission's present funding authority, the policy and practical considerations bearing on the funding question as viewed by the Commission in the light of the rulemaking record and its own experience, the framework for funding the Commission would establish in the GESMO proceeding if Congress so authorizes, and the Commission's planned study regarding possible relief from procedural burdens in other proceedings.

PROCEDURAL BACKGROUND

The Nuclear Regulatory Commission and its predecessor, the Atomic Energy Commission, have not heretofore provided any financial assistance to participants in their proceedings. With the exception of the Federal Trade Commission, which has express statutory authority to provide financial assistance to qualified participants in rulemaking proceedings, no federal regulatory agency has an established program for provision of financial assistance.¹

The first requests to the Atomic Energy Commission for financial assistance were made in 1972 by intervenors in nuclear licensing proceedings. The Atomic Energy Act of 1954 makes no express provision for such funding. In two opinions issued in early 1973, that Commission stated, without any extended discussion of the question, that it did not have authority to provide financial assistance to intervenors.² In the summer of 1974, acknowledging that the law in this area was not clear, the Atomic Energy Commission denied a request for financial assistance from intervenors in the Midland show cause proceeding for lack of an adequate showing of need, without reaching the statutory authority question. In that proceeding, one of the groups associated with the funding request was the United Auto Workers of America, an organization then having a net worth in excess of \$100 million.³

In the latter part of 1974, requests for financial assistance were filed by inter-

venor groups in several additional proceedings, both licensing and rulemaking. At the same time, the Energy Reorganization Act of 1974 was pending before the Congress. The Senate adopted an amendment to that measure which would have expressly authorized provision of financial assistance to participants in Commission proceedings. However, that amendment was deleted by the conference committee. In its report, the conference committee stated that the deletion of the funding amendment was:

... In no way intended to express an opinion that parties are or are not now entitled to some reimbursement for any or all costs incurred in licensing proceedings. Rather, it was felt that because there are currently several cases on this subject pending before the Commission, it would be best to withhold Congressional action until these issues have been definitively determined. The resolution of these issues will help the Congress determine whether a provision similar to title V is necessary since it appears that there is nothing in the Atomic Energy Act, as amended, which would preclude the Commission from reimbursing parties where it deems it necessary.

Rep. No. 93-1445, 93d Cong., 2d Sess., p. 37. Thus, Congress left the issue unresolved at that juncture.

In those circumstances, the AEC concluded that the issue should be explored in a rulemaking proceeding, and that the broad policy issues raised by the funding question should be addressed by the successor Nuclear Regulatory Commission. The Atomic Energy Commission also concluded that it would be desirable to commission a study by persons other than agency employees of the policy and practical issues involved. The particular petitions for assistance then pending before it were denied as premature. See, Consumers Power Company (Big Rock Point Nuclear Plant), 8 AEC 820 (1974).

In early 1975, shortly following its establishment, the Nuclear Regulatory Commission reviewed competitive proposals received in response to an invitation for proposals and selected the Washington law firm of Boasberg, Hewes, Klores and Kass to conduct a study of funding and report to it. The Boasberg firm was charged to determine the advantages and disadvantages of funding both from a policy perspective and in the light of practical considerations. The firm was asked to make an objective analysis of available options, without a recommendation based on its own assessment of the preferred policy choice. In July 1975, the report of the Boasberg firm, entitled "Policy Issues

¹ The Consumer Product Safety Commission has been reviewing the question of financial assistance. See Report to the Nuclear Regulatory Commission "Policy Issues Raised by Intervenor Requests for Financial Assistance in NRC Proceedings," pp. 44-45 (hereafter cited as the "Boasberg Report"). The Food and Drug Administration recently initiated an informal rulemaking proceeding on the question. 41 Fed. Reg. 35855, Section 6(c) (4) of the recently enacted "Toxic Substances Control Act," P.L. 94-469, which becomes effective in January 1977, contains express authority for funding of participants in certain rulemaking proceedings.

² See Metropolitan Edison Company (Three Mile Island Nuclear Station), 6 AEC (1973); Philadelphia Electric Company (Peach Bottom Atomic Power Station), 6 AEC (1973).

³ See Consumers Power Company (Midland Plant), 8 AEC 1 (1974).

Raised by Intervenor Requests for Financial Assistance in NRC Proceedings," was presented to the Commission, printed by it as NUREG-75/071, and made available to the public.

In August 1975, the Commission decided to institute an informal rulemaking proceeding on the funding question. A notice was published in the *FEDERAL REGISTER* calling for public comment on the issue of statutory authority, the policy and practical issues raised by the funding concept, and whether there might be preferable alternatives to funding. 40 FR 37056. No specific rule was proposed at that time. The notice also stated that the question of statutory authority would be referred to the Comptroller General.

STATUTORY AUTHORITY FOR FUNDING AND THE ROLE OF CONGRESS

In February 1976, the Comptroller General issued his decision on the question of the Commission's authority to fund participants in its proceedings. File No. B-92288. The Comptroller General rejected the argument that such funding could not be provided in the absence of express statutory authority. The question, as the Comptroller viewed it, was "whether it is necessary to pay the expenses of indigent intervenors in order to carry out NRC's statutory functions in making licensing determinations." He further expressed the opinion that "only the administering agency can make that determination." In the light of these considerations, the Comptroller General concluded that in any proceeding:

If NRC in the exercise of its administrative discretion, determines that it cannot make the required determination unless it extends financial assistance to certain interested parties who require it, and whose participation is essential to dispose of the matter before it, we would not object to use of its appropriated funds for this purpose. (emphasis added). B-92288 at 4.

Thus, under the Comptroller General's view of our authority, we must make two related determinations as preconditions to any provision of funding to a would-be participant: (1) That we "cannot make" necessary licensing or rulemaking determinations—such as that a proposed facility can be constructed and operated without undue risk to the health and safety of the public (10 CFR 50.35)—unless financial assistance is extended to participants who require it; and (2) That the funded participation is "essential" to our disposition of such issues.

While it may be that certain Commission applicants could, in limited circumstances, meet this test, the principal area of discussion, as evidenced by public discussion and by the comments the Commission has received, regards funding of two other classes of participants in Commission proceedings: intervenors in licensing proceedings, and participants in Commission rulemaking hearings. For the reasons detailed below, based on the rulemaking record and our extensive experience in licensing and rulemaking proceedings, with and without

outside participants, we cannot make the determinations the Comptroller General believes to be essential preconditions to the provision of funding for these groups. While participation has been helpful in particular licensing and rulemaking proceedings and while such participation may serve other valuable social purposes, we certainly cannot say that we "cannot make" the safety, safeguards, environmental or antitrust findings required of us by relevant statutes unless we fund these parties, or that the participation of such parties is "essential" to dispose of matters before us.⁴

We note that many of the public comments addressed the question of our statutory authority as well as other issues and we are advised that those commenting did not also submit their comments to the Comptroller General, although they were free to do so. As the Comptroller General's opinion states, our General Counsel provided him "with a number of representative letters of opinion from both proponents and opponents." The Comptroller General's opinion addresses the principal arguments made in the comments in opposition to the existence of NRC funding authority. As a matter of legal authority, we could address the legal question independently and we could conceivably reach a different result. However, we find the Comptroller General's analysis of this complex legal question thorough and persuasive, and we believe that, on an issue of this character, his opinion is entitled to substantial deference. Particularly in view of the Comptroller's strong suggestion, in which we fully concur, that ultimately Congress should address and resolve funding issues, we will be guided by the Comptroller General's statement of our legal authority in resolving the issues now before us.

We turn now to the question of Congress' role. Following his discussion of

⁴ Commissioner Gilinsky, in his separate statement, accepts the Comptroller General's standard, but indicates that he believes certain unspecified proceedings could meet that test. We, of course, will continually reevaluate our agency's proceedings to determine whether required determinations cannot be made without funding participants. But in light of our experience to date as well as our view that Congress is the proper institution to provide funding, we cannot agree with Commissioner Gilinsky's suggestion that the Comptroller General's standards provide the basis for submissions by parties on a case-by-case basis. Rather, we believe that an offer of funding to those who satisfy the Comptroller General's standards would be, on the basis of our present analysis, a right in name only, without any practical substance.

⁵ Three sets of comments supplied to the Comptroller General—those of the Atomic Industrial Forum, LeBoeuf, Lamb, Leiby & MacRae, and Lowenstein, Newman, Reis and Axelrad—argued the negative of the authority question. Three sets of comments argued the affirmative case—those of the Natural Resources Defense Council, Council for Public Interest Law, and Ecology Action. The bulk of the comments did not address the authority question in any detail.

NRC's present authority to fund participants in its proceedings, the Comptroller General expressed the opinion that it would be desirable for the extent of such authority to be spelled out in legislation by the Congress, saying that:

Notwithstanding the above, we believe it would be advisable for the parameters of such financial assistance, and the scope and limitations on the use of appropriated funds for this purpose to be fully set forth by the Congress in legislation, as was done in the case of the FTC by the "Magnuson-Moss" Act, supra. We note that the Joint Committee on Atomic Energy is currently considering S. 1655, 94th Congress, which would accomplish the same objectives as the Kennedy amendment discussed, supra. In addition S. 2715, 94th Congress, which would provide general authority for payment of expenses of intervenors in proceeding subject to the Administrative Procedures Act, 5 U.S.C. § 551 et seq. (1970) as well as in specified types of litigation is now before the Senate Committees on Government Operations and Judiciary.

And following the Comptroller General's ruling on the NRC's authority to fund intervenors, Congressman Moss asked for that official's opinion whether the rationale of the NRC ruling would also be applicable to nine other federal regulatory agencies, the FCC, FTC, FPC, ICC, CPSC, SEC, FDA, EPA, and the National Highway Traffic Safety Administration. In a letter dated May 10, 1976, the Comptroller General stated that:

[T]here is no significant difference in the relevant authorities for the nine agencies you named and those of the NRC. Accordingly, the rationale of our February 19 decision to NRC is equally applicable to each agency named.

The Comptroller General went on to suggest that:

For the reasons set forth in the NRC decision, we believe it would be advisable for the parameters of such financial assistance, and the scope and limitations on the use of appropriated funds for this purpose to be fully set forth by the Congress in legislation, as was done in the case of the Federal Trade Commission. * * *

In view of the Comptroller General's second ruling, in response to the inquiry from Congressman Moss, it is now clear that most of the major regulatory agencies in the federal government may have some discretionary authority to fund participants in their proceedings. Many of the considerations which argue for and against such funding would appear to be applicable to most, if not all, of these agencies. As noted by the Comptroller General, the Congress just adjourned had several funding proposals under active consideration. Relatively narrow proposals providing express authority for payment of attorneys' fees to the prevailing party in specified classes of civil rights cases and for attorneys' fees and other expenses in certain agency rulemaking and litigation under the "Toxic Substances Control Act" were enacted at the close of the session. See 121 Cong. Rec. S. 17053 (daily ed.); Pub. L. 94-469.

Such narrow statutory enactments, as exceptions to the traditional and gen-

erally applicable American rule that each party to litigation bears its own expenses, have been the prevailing pattern to date. See *Alyeska Pipeline Service Company v. Wilderness Society*, 421 U.S. 240 (1975). S. 2715, a proposal that would have overruled the *Alyeska* decision and provided broad authority for funding in agency proceedings was reported favorably from committee in the Senate, but did not come to a vote. In light of these considerations, we fully agree with the Comptroller General that Congress should set forth in legislation the scope and limitations on the use of appropriated funds for funding participants in agency proceedings if it decides, as a matter of policy choice, that such funding is in the public interest. It would be inappropriate for individual agencies like the NRC, on the basis of their necessarily restricted perspectives and mandates, to attempt to resolve this value-laden issue without legislative guidance.

The institutional role of Congress in resolving the funding question must be respected. Funding involves the direct transfer of public money to support a private viewpoint; a viewpoint which is not subject to control or oversight by the public's elected representatives and which may or may not reflect the views of many members of the public. Ordinarily, in our society, private viewpoints are funded by private sources. Congress, of course, can alter that presumption; a reasonable procedure since Congressmen are elected and thus must answer directly when they spend their constituents' money. Congress might feel, for example, that the increased public participation and public confidence that may be brought about by funding private groups calls for the provision of such funding. From our perspective, we lack not only the statutory authority to provide funding, but we also find, as a policy matter, that a non-elected regulatory Commission is not the proper institution to expend public funds in this fashion absent express Congressional authorization. We recognize, of course, our obligation to provide Congress with our views on whether it should appropriate money for funding participants in our proceedings. Congress can then weigh those views along with the other policy concerns it quite properly considers in determining spending priorities. For the reasons described herein, we do not recommend that Congress provide funding for ordinary licensing or rulemaking proceedings, although we do make such a recommendation in regard to the GES MO matter. But in all of these cases, we believe the final decision rests squarely with Congress.

POLICY AND PRACTICAL CONSIDERATIONS

The funding concept raises a very broad range of policy and practical issues. In our judgment, the Boasberg Report meets its stated purpose "to focus and develop the myriad issues raised by intervenor requests for financial assistance for the . . . rulemaking proceeding." Report, p. 2. We have found the Report

helpful in providing an initial data base for the rulemaking and in analyzing the issues we are addressing now. We have taken into consideration each of the major points raised by the Report and the public comments that are relevant to our disposition of the basic policy questions involved. We will undertake in this statement to set forth the reasons for our conclusions with reference to the major arguments, pro and con, listed in the report and raised in the comments concerning those questions. Because of the dispositions we are making of these basic policy issues, we find it unnecessary to address in any detail issues of practical implementation. While it would be unrealistic to disregard a number of formidable problems that implementation would entail, we do not believe implementation issues should dictate policy choices.

Before turning to the merits of the basic issues, two observations with reference to the Boasberg Report are in order. First, in accordance with its contract, the Boasberg firm did not make specific policy recommendations as to how the NRC should resolve the funding question. In order to present an objective analysis without specific policy recommendations, express or implied, the Report largely followed a format of listing pro and con arguments on particular issues in a carefully balanced fashion, without assignment of comparative weight to particular arguments. For example, in the chapter entitled "Should Financial Assistance Be Provided to Intervenors"—the basic policy issue presented here—the report discusses five "Arguments in Favor of Intervenors Financing" and five "Arguments Against Intervenors Financing." Given the terms of its NRC contract, this balanced approach was appropriate. However, as the governmental agency charged with the responsibility of making the policy decisions involved here, it is our duty to attempt to assess the comparative weight to which these arguments are entitled and, within the limits of our competence, to make judgments on the issues they raise. As indicated below, we believe that a few of these arguments on the basic policy issue are of critical importance, and that others are either of lesser significance or of such a political nature that they are largely beyond our competence to assess.

The second observation we would make with regard to the Boasberg Report is that it necessarily relied very heavily on the technique of personal interviews in gathering data and surfacing the issues. The authors conducted in-depth interviews of approximately 100 people, representing a wide spectrum of opinion. We think it important to note, however, that many of the issues contain large subjective elements and resist quantification. For example, the discussion of intervenor contributions to our proceedings in the Boasberg Report (pp. 88-96) appears to be based largely on interviews with intervenors themselves. Yet clearly there will be differences of view as to the sig-

nificance of a particular intervenor's contribution to a proceeding.

We believe that the arguments asserted, pro and con, are most usefully considered in the context of a specific type of proceeding. In the case of this Commission, the most important opportunities for participation, as borne out by our experience, are by intervention in the licensing of individual reactors and by participation in generic rulemaking proceedings.

LICENSING PROCEEDINGS FOR INDIVIDUAL REACTORS

There is no questioning the social value of public participation in agency decisionmaking nor, as our later comments make clear, do we underrate the contributions that intervenors have made in the process through outside participation as such. We are, however, unable to make the finding specified by the Comptroller General, viz., that without funding we "cannot make the required [licensing] determination" and that the participation of funded groups is "essential to dispose of the matter."

The issue we turn to now is whether, apart from our present authority, we think it reasonable to anticipate that provision of financial assistance from the federal treasury to intervenors in such proceedings would be in the public interest, weighing advantages against disadvantages insofar as we are competent to do so. The question for the Congress here is whether funded intervenors would make sufficiently greater contributions to the resolution of safety and environmental issues in individual licensing than are being made now by intervenors relying on their own resources, to warrant the expenditure of public funds. Our review of the record, in the light of our experience, leads us to doubt whether funding would provide such a benefit.

The principal reasons for our position in this regard are straightforward. The safety considerations raised by modern commercial light water reactors are by now very well understood, and we have a comprehensive, expertly staffed, well-developed regulatory regime to which such reactors are subject. Our regulatory staff has developed in-depth expertise on reactor safety issues over the past two decades in the course of reviewing safety aspects of hundreds of proposed reactors. The staff's task on every safety issue is to assure that no facility is licensed unless such action is fully consistent with the public health and safety. We believe the staff performs that task well. Moreover, we are continually scrutinizing the staff effort to insure that every safety concern is brought to light. In a field as complex and important as nuclear power, the staff is not monolithic; indeed no one would wish it to be so. On November 4 of this year we published, along with the Director of Nuclear Reactor Regulation, a series of policy statements designed to insure that all staff views are effectively made known, and that dissenting staff viewpoints are carefully considered and made public. It

is this kind of policy that helps assure that our processes are thorough and objective and are perceived as such.

In addition to the safeguards of in-depth staff review, each proposed reactor is subject to independent safety scrutiny by the Advisory Committee on Reactor Safeguards, composed of outside experts, and by an Atomic Safety and Licensing Board and Atomic Safety and Licensing Appeal Board. The Licensing and Appeal Boards also include technical experts, and their expertise is brought to bear whether or not the application for a construction permit or operating license is contested by an intervenor. Those boards have demonstrated impressive capability for looking into significant safety issues on their own motion when the occasion warrants. See, e.g., Northern States Power Company (Prairie Island Station), ALAB-343. Given this advanced state of the art in reactor safety, the professionalism, depth and experience of our regulatory staff, and the further screening provided by expert committee and board review, we simply are unable to make the determinations set forth in the Comptroller General's standard.

Similarly, we do not believe that funding intervenors would markedly improve the resolution of environmental issues. As in the safety area, the regulatory staff and the agency review boards have developed substantial expertise in the exploration of environmental issues and their presentation in environmental impact statements and in the hearing process. The staff has frequently obtained utility acceptance of conditions designed to protect the environment as a condition of their support for a construction permit or operating license application. In some cases, staff requests for such conditions have been resisted by applicants and the staff has presented its position on environmental issues in opposition to the applicant and with the support of intervenor groups. See, e.g., Consolidated Edison Company of New York (Indian Point Station, Unit 2), 7 AEC 323 (1974). And, as in the case of safety questions, most of the environmental impacts associated with increasingly standardized commercial light water reactors are by now quite familiar. Relatively standardized remedies have been developed to mitigate these environmental impacts, such as closed-cycle cooling to eliminate thermal discharges into rivers and lakes, radiological monitoring programs covering effluents, and the like.

Moreover, in the environmental area, more so than in the safety area, there is active participation by other government agencies, insuring that no concerns are overlooked. The National Environmental Policy Act itself requires that we obtain input from other agencies. Federal, state and local bodies often participate and even share authority in a broad range of environmental matters involving unclear licensing.

Apart from the possibility of substantive contributions to the correct resolution of safety and environmental issues, which, as we have indicated, we think

would not be substantially greater in the case of funded intervenors, some proponents of intervenor funding argue that intervenors serve a valuable function as "gadflies"—probing questioners who put pressure on the staff and the applicant to do their homework. Our experience suggests that the intervenor as gadfly has performed a useful function in some situations. In contested cases with active intervenors, the staff does seem to be somewhat better prepared and the hearing record developed as a result goes into somewhat greater depth on issues in which the intervenors show an interest. But again, the question here is whether an intervenor discharging the gadfly role merits support with public funds. In light of what has been previously stated respecting the depth and competence of the review process and of what the present intervenor-gadfly can do relying on his own resources, it is questionable whether the case for funding can be made on this basis. And, applying the Comptroller General's standard, we certainly do not believe that the presence of the funded intervenor as gadfly is "essential" to the performance of our statutory mandates.

It is natural to expect that the staff would be somewhat better prepared for hearings which are contested and that such a hearing would produce more of an in-depth record on some issues than would an uncontested hearing. In our judgment, however, it does not follow at all that facilities that have been the subject of a contested hearing are actually safer than those licensed following an uncontested proceeding. In this connection, it is important to note that the great bulk of staff review time is expended outside of the hearing context. As the Commission reported to a Senate subcommittee in the last Congress, approximately 6 man-years (a man-year is 225 days, 8 hours per day) of technical staff effort is devoted to review of a typical commercial reactor application, whether the application is contested or not. Slightly greater technical effort (less than 10 percent greater) is required for a contested case to provide more in-depth expert testimony describing the staff review during the hearing process. Hearings on Public Participation in Federal Agency Proceedings, S. 2715, before the Administrative Practice and Procedure Subcommittee of the Senate Judiciary Committee, 94th Cong., 2d Sess., p. 780. Moreover, ACRS review takes place whether an application is contested or not and its depth is also substantially independent of whether intervenors are present.

We turn now to consideration of what, in our view, are the major possible disadvantages of a Commission program for funding intervenors in our licensing proceedings. The Boasberg Report reflects concerns about possible delay in the licensing of needed power facilities as a result of intervenor funding and the comments of opponents of such funding in the rulemaking record stress this possibility. Whether an institutionalized

program for the funding of intervenors in licensing proceedings would exacerbate present problems of delay is the subject of sharp disagreement among current participants in the licensing process. The prospect of funding does seem almost certain to attract additional interventions. Beyond that, the funded intervenor with greater resources at its disposal will, one may fairly assume, present a more extensive case, in volume, if not necessarily in quality. One can, of course, argue that the provision of government funds to intervenors might actually expedite the hearing process. Some commentators contend that under the present system they cannot afford to hire independent experts, with the result that they are forced to make their affirmative cases through the protracted process of cross-examination. We are told that the provision of funding and the possibility of hiring outside experts could actually expedite proceedings. Moreover, it is argued, the Commission could provide some assurance against undue delay by providing funding only to intervenors who actually make a contribution to the proceeding, and by making that determination after the fact. See, e.g., Comments, New England Coalition on Nuclear Pollution.

The arguments pro and con on the prospect of additional delay are, in our judgment, quite speculative. However, regardless of the merits of those arguments, it is clear that the administration of a funding mechanism will make licensing proceedings more complicated than they are now. Necessarily, a significant amount of staff, licensing board, and intervenor time will be devoted to determining who is qualified for funding, whether an intervenor made a contribution, and, if so, how valuable it was; and how much of limited amounts of funds should be made available. Beyond that, we can anticipate appeals through agency processes and ultimately to the courts on the basis of alleged insufficient funding. Resolution of these issues would take time that might otherwise be devoted to timely completion of the licensing process since it is possible the ultimate licensing decision might in some sense remain open until the dispute over funding is resolved. Thus, we think it inevitable that the institutionalization of a funding scheme would have some delaying effect on the licensing process.

A second significant disadvantage of an institutionalized funding scheme would be its substantial cost. We are not in a position to quantify any very precise cost figures for such a system. While the role of intervenors will vary, it has been suggested that financing of a full-scale intervention in one of our proceedings might cost in excess of \$100,000. See Comments, Council for Public Interest Law, p. 8. The Commission anticipates roughly twenty licensing proceedings for construction permits and operating licenses in the coming year. On that basis, full funding of interventions in many of these proceedings might cost over a million dollars. In this connection, it should be borne in mind that

many proceedings have multiple intervenors, some with as many as eight intervenors. See, e.g., Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), NRCI 75/6 857. Full financing of all groups could multiply the foregoing cost figures several fold, wholly apart from the additional resources the agency might be required to employ.

Moreover, serious social questions are raised by funding the presentation of private points of view in our proceedings. Even though many participating groups denominate themselves as "public interest" groups, they in fact reflect essentially the viewpoints of their members as to what constitutes the public interest. As the comments on the proposed rulemaking make clear, it is reasonable to question whether the positions they espouse, which often reflect members' relatively specific interests, are any more entitled to identification with the "public interest" than those of any other private party. Currently, there is a strong presumption that public funds should only be spent for the presentation of positions by government bodies ultimately subject to Congressional control. In the case of NRC, that would be the regulatory staff. It is for the Congress to alter that presumption.

FINANCIAL ASSISTANCE IN RULEMAKINGS

The Boasberg Report points up several considerations suggesting that, if the Commission is to provide funding to intervenors, there is a stronger case for such funding in rulemaking proceedings than in licensing proceedings. The report notes that:

Commenters have noted that, of all agency proceedings, rulemakings probably are best suited for public participation since (a) their very purpose is to seek broad and diverse input; (b) they usually involve issues of great public moment which affect large numbers of people; and (c) their decisions are difficult to collaterally attack on judicial review or challenge in future agency adjudications.

The report adds that:

[R]ulemaking may allow intervenors to consolidate their positions and marshal their resources in a single proceeding, instead of having to contest similar issues in numerous separate licensing cases. In addition, certain rulemaking proceedings may reduce intervenor counsel expenses, depending upon the scope of discovery and cross-examination allowed. Boasberg Report at pp. 58-59.

We believe that, as a general proposition, the case has not been made for Commission funding in rulemaking proceedings. Applying the criteria laid down in the Comptroller General's ruling, we certainly do not believe that the record in this proceeding or our past experience warrants a finding either that we cannot make the requisite safety and environmental determinations in rulemakings without funding participation or that Commission financial support of some participants is "essential" to the conduct of such proceedings.

In our view, the portion of the Boasberg Report quoted above illuminates conflicting considerations. It is more likely that a variety of participants might make substantive contributions in rulemaking proceedings because of the breadth and novelty of the issues involved and their generic character. On the other hand, the use of rulemaking proceedings rather than a case-by-case approach permits a husbanding of resources and effort which itself makes funding less essential to participation. As Judge Friendly recently pointed out: "The idea that a licensing agency should endeavor to identify environmental issues common to many applications and handle them in 'generic' proceedings would seem to benefit all parties, particularly the poorly financed environmental groups." See, *Ecology Action v. AEC*, 492 F.2d 998, 1002 (C.A. 2, 1974) (Friendly, J.).

Moreover, the groups which typically participate in our broad generic rulemaking proceedings are, we believe, less in need of financial assistance than the small local citizens groups that typically participate in licensing proceedings. To be sure, as the many requests for financial assistance in the GESMO proceeding testify, even these national groups do not have unlimited funds, and many of them assert that they will be unable to participate meaningfully without assistance. Given, however, that many of these organizations have funds from many sources, they are not in a position to argue that they cannot participate in our proceedings without financial assistance. Rather, a petition for assistance from such an organization reflects that organization's judgment that it is required to or would prefer to spend its limited resources elsewhere, or to avoid the reduction in other efforts that may flow from funding its own efforts before us.

We note that the Congress has expressly authorized the Federal Trade Commission to provide financial assistance to participants in its rulemaking proceedings under specified circumstances. That statutory experiment in funding has now been in operation for about a year; while the FTC staff has reported favorably on it, the Commission itself has as yet given no official indication of how it views that experiment in practice. See Hearing, Senate Committee on Government Operations, *J* me 24, 1976, at p. 39. We believe that we should not proceed along that avenue, save in exceptional circumstances, without express Congressional direction.

ANTITRUST AND ENFORCEMENT PROCEEDINGS

There are two other categories of proceedings in this agency that might be considered for intervenor funding—antitrust proceedings under section 105 of the Atomic Energy Act, and enforcement proceedings initiated by the regulatory staff. We believe that any case for intervenor funding in these categories of

cases would stand on a much weaker footing than funding either in licensing or rulemaking proceedings.

As to the antitrust setting, we see no need for funding of participants. The basic issue in such cases is whether smaller utilities should be granted some form of access to the electricity to be produced by large commercial reactors. Although the smaller utilities do not have the financial resources of the larger utilities who seek the construction permits, they nevertheless have substantial resources at their disposal. They are represented in our sometimes protracted antitrust proceedings by competent counsel and, where necessary, have produced expert witnesses. Counsel and witness fees represent the largest single cost factor in participation in such proceedings. If the smaller utilities are in a position to propose purchase of a portion of a nuclear plant, perhaps spending millions of dollars, it would appear to follow that they can afford to represent themselves in proceedings seeking to enforce rights to make such purchases.

For different reasons, we do not believe that funded intervenor participation is necessary or especially desirable in enforcement proceedings. The issues in enforcement proceedings are typically very narrow—e.g., whether the applicant has a satisfactory quality assurance program. While private parties have made and undoubtedly will continue to make important contributions in enforcement matters, the case for funding such parties is not strong—enforcement proceedings typically place the staff and the applicant in a fully adversary posture. It is particularly clear here that the Comptroller General's standard for funding cannot be met.

The foregoing considerations are, in our judgment, the major considerations legitimately bearing on the present question, from this Commission's perspective. We note that we have also taken into consideration several other factors discussed in the Boasberg Report and also in some of the comments in this rulemaking which we believe to be either relatively insubstantial or essentially beyond our competence to assess.

In the former category, that of insubstantial factors, we would place the following: (1) that intervenor participation will promote the adoption by an applicant of unnecessary measures for a facility simply to procure the agreement of an intervenor group; and (2) that the Commission should eschew intervenor funding because of the administrative difficulties associated with it.

With regard to the first argument, we do not believe it is entitled to weight. Whether a given safety feature or environmental condition is needed will be decided independently by the regulatory staff and by the licensing board. If a utility believes it can buy the acquiescence of an intervenor group through installing additional safety systems or environmental devices, the staff and the boards may not object and the device

may be added, so long as it does not adversely affect safety or the NEPA cost/benefit balance. However, the utilities have their ratepayers, stockholders, and public service commissions to answer to. In our judgment, this should give them more than adequate motivation to avoid unnecessary expense.

As for the second point, it is obvious that any very ambitious institutionalized form of intervenor funding would carry with it substantial administrative difficulties. However, as indicated in the Boasberg Report, and as borne out by the Federal Trade Commission's experience, these problems are solvable. As indicated previously, we do believe that the addition of intervenor financing questions may portend additional delay in the licensing process. Apart from that factor, however, we do not think that anticipated administrative problems should weigh heavily in the scales.

The Boasberg Report and certain of the comments advance some additional arguments in favor of intervenor funding. In the Boasberg Report, for example, under the heading of "Public Education and Confidence", the Report addresses what is seen as the public's need for information and education on nuclear power, the building of public confidence in the commercialization of nuclear power, and the nature of public participation in a democracy's administrative processes. However, as we view it, it is up to Congress to make determinations on issues of broad social significance in the context of national priorities—such issues, for example, as whether public confidence in nuclear power needs to be promoted and, perhaps more fundamentally, whether such promotion should be attempted through the mechanism of the NRC hearing process.

FINANCIAL ASSISTANCE IN GESMO

There is one Commission proceeding which we believe stands apart from the licensing and rulemaking matters heretofore discussed. The Commission has begun the process of deciding whether to permit the wide-scale use of mixed oxide fuel in light water reactors and, if so, under what conditions. The proceeding, formally denominated in the Matter of the Generic Environmental Statement on Mixed Oxide Fuel, (GESMO), Docket No. RM-50-5, is of singular importance. The question of whether to use mixed oxide fuel impacts on every phase of the light water reactor fuel cycle—mining, milling, enrichment, fuel fabrication, reactors, reprocessing, and waste management. The domestic issues raised by the GESMO proceeding run the entire gamut from economic and national security concerns to health, safety, environmental and safeguards considerations. Moreover, the GESMO decision has major international implications, particularly in the area of nonproliferation. Under the circumstances, it is not surprising that GESMO has attracted an unprecedented degree of attention, not alone from the Commission, but from Congress, the Ex-

ecutive Branch, the courts, and the public as well. GESMO is different in kind from the other proceedings currently before the Commission. By way of comparison, perhaps the next most prominent Commission undertaking is the forthcoming rulemaking concerning the Table S-3 (uranium fuel cycle) values for reprocessing and waste management. The issues there are far narrower than those in GESMO. Moreover, the central aspect of that proceeding, waste management, is an area where primary responsibilities are shared by the Nuclear Regulatory Commission and the Energy Research and Development Administration; indeed, waste-related proceedings of a far more fundamental and policy-setting nature than the S-3 proceeding are planned by both agencies.

The Commission has recognized the importance of GESMO in structuring its decisionmaking process. Public participation has been encouraged from the outset and over seventy individuals and groups, representing numerous diverse viewpoints, have become full participants in the GESMO proceeding. The hearing process adopted by the Commission and upheld by the courts is a model procedure for dealing with complex, technical issues. A hearing board will preside over legislative-type hearings, asking questions from among those suggested by the parties, as well as questions of their own. The Commission has appointed a five-member board of independent scientists and attorneys who possess a remarkably broad range of expertise. After the legislative phase of hearings, the parties can suggest to the Commission factual matters where they believe formal cross-examination of one party by another is necessary for a complete record. Such cross-examination will be allowed when it is shown to be necessary.

This hearing process will take place in two stages: (1) health, safety, and environmental issues, and (2) safeguards issues. Each stage will begin after publication of the relevant portion of the final environment impact statement on mixed oxide fuel. The health, safety and environmental section of the final statement was issued on August 31, 1976, and that portion of the hearing has begun. To aid in public participation in that proceeding the Commission's staff has already made available literally thousands of documents relied on in preparation of the final impact statement. The hearing board conducted a prehearing conference on September 15, 1976 and has scheduled hearings to begin on November 30, 1976. The final impact statement on safeguards will be available in 1977; appropriate hearings will begin shortly after its issuance.

The unique nature of the GESMO proceeding has led the Commission to consider whether GESMO stands on a different footing from other proceedings as regards funding of participants. A similar question is presented by a petition filed by the Natural Resources Defense Council (NRDC), a GESMO participant, on September 10, 1976. The NRDC petition calls for an interim rule allowing funding

of GESMO participants pending the Commission's decision on the generic funding question. Although that generic question is resolved by the Commission in this Notice, the justification given by NRDC for an interim rule applies as well to the question of whether GESMO is sufficiently distinct from other proceedings to merit consideration of funding. NRDC notes that GESMO "is undoubtedly one of the most significant single decisions which will have ever been made by the Commission." Funding is necessary, the petition concludes "[i]f for no other decision, then certainly for the decision on whether to allow wide-scale civilian use of plutonium * * *"

On September 23, 1976, the Commission requested comments from GESMO participants on the NRDC petition. Nine responses were received. The following three gave unqualified support to the petition: (1) an environmental group primarily concerned that those promoting nuclear power were overly represented in GESMO; (2) an individual who described himself as a strong advocate of plutonium recycle lacking the resources to fully present his point of view, and (3) an individual primarily concerned with the "asymmetry" in resources available to GESMO participants. The remaining six commenters had one common theme: no decision should be made on GESMO funding until a decision has been reached on the generic funding question. Five of these commenters went on to restate their opposition to funding as a general matter essentially for the reasons they had given in opposing the generic funding petition. Particular emphasis was placed on the need for Congressional authorization.¹

In addition to these formal comments, in September 1976 the House Subcommittee on Energy and the Environment twice held hearings dealing in part with the funding of GESMO participants. The concept was supported by some Congressmen and opposed by others.

As explained above the Commission is of the view that the Comptroller General's ruling states the appropriate standard for the Commission's authority to fund participants without specific legislative authorization. A careful review of the GESMO process results in the conclusion that that standard cannot be met. It is not true that the Commission "cannot make the required [health, safety, environmental and safeguards] determination unless it extends financial assistance to certain in-

¹ The five consisted of two utility groups, Westinghouse, the Atomic Industrial Forum, and Exxon. The Commission staff limited itself to the observation that while the generic matter was pending the interim petition should be put aside.

² Two comments were received after the deadline. One was from a public interest group opposing the petition on the ground that the Commission itself adequately protects the public interest and that Congress should pass on the funding question. The other was from a private citizen urging the petition be denied because petitioner NRDC does not represent the public interest.

interested parties who require it * * * On the contrary, the Commission is fully confident that the procedures it has set up will result in an adequate record for all necessary determinations. The GESMO rulemaking has already attracted active participation from an unusually broad spectrum of participants, including environmental groups, utilities, professors, nuclear suppliers, and individual citizens. The Commission staff, in its production of the massive final environmental statement on health, safety, and environmental matters, as well as in its preparation for the forthcoming hearings, has admirably undertaken its task of insuring that the public health and safety is the primary consideration in all stages of the GESMO process. The Hearing Board, in its conduct of the prehearing conference and in its preparation of several procedural orders, has given every indication that it intends to conduct a searching inquiry.

Accordingly we believe the GESMO process, as presently structured, will result, without funding participants, in the creation of a record fully adequate for Commission decisionmaking. As noted above, however, Congress may consider other factors in deciding whether it will appropriate public funds to private participants in an agency proceeding. Expanding the scale of public participation may be viewed as valuable apart from the adequacy of the record which results. Public understanding and acceptance of government action may be enhanced by increased participation, and added insurance is given that no concern, however remote, is overlooked.

As we have explained, for the ordinary licensing and rulemaking proceedings the Commission undertakes, we do not find, based on our experience, that it is necessary or appropriate to urge Congress to provide funding. But the Commission sees GESMO in a different light. The extraordinary breadth and depth of GESMO and the significance of the decision to be reached has led to unprecedented public interest in the GESMO process. In view of the novel nature of many of the issues involved it is possible that the increased public participation which might be brought about by funding, while not indispensable, will not be superfluous either. Finally, in the context of GESMO, funding, as described below, will not cause delay in the decisionmaking process.

Given these unique circumstances, the Commission is prepared to recommend to the Congress that it appropriate money to fund qualifying GESMO full participants. It is for Congress to determine whether the public interest warrants this expenditure of public funds. From the Commission's perspective an appropriation is justified. Accordingly, we will propose and support at the commencement of the next session of Congress legislation providing \$200,000 for GESMO funding.

In order to expedite the provision of funding, the process of qualifying for

funds will begin before Congress convenes. Eligibility applications for funding, which are described in detail below, shall be filed with the Commission by interested GESMO full participants⁶ on or before December 31, 1976. By January 10, 1976 any full participant may file with the Commission its support or opposition to such applications.⁷ Thereafter the Commission will issue its decision as to which participants are eligible. After the hearings on all aspects of GESMO (including safeguards) are concluded, eligible participants will submit to the Commission a thorough, itemized accounting of actual costs for which they believe reimbursement is appropriate.⁸ The Commission, after consultation with the hearing board, and subject to the authorization and appropriation of funds by Congress, will award compensation based upon its assessment of the participants' responsible contribution to the full development of the record.⁹

Several points should be noted concerning this procedure. It is not intended to impact in any way on the schedule for GESMO hearings.¹⁰ The preparation of eligibility applications is a necessary burden on those who seek funding. The assessment of these applications will be performed by the Commission, freeing the Hearing Board to devote full attention to the hearings.

We are aware, of course, that the GESMO hearing process has begun and accordingly groups with limited resources have not had the advantage of a funding system in place at the outset of a proceeding. But the GESMO process is far from over, and no group contends that it is too late to set up a meaningful fund-

ing system. For example, one advantage of an in-place funding program is that it aids planning by eligible parties. If Congress promptly appropriates money for GESMO participants, planning on that basis may well be possible for the safeguards portion of the GESMO hearing, which, with its broad domestic and international ramifications, is a particularly important step in the GESMO process.

In addition to congressional approval, a key step in our GESMO funding plan is the participant's eligibility application. In determining who shall be eligible for financial assistance the Commission has carefully considered the Boasberg study, the comments on the generic and interim petitions, and the statutes and regulations of the Federal Trade Commission, which provides funding pursuant to express statutory authority. See 5 U.S.C. 57a. The central principle the Commission will apply in determining eligibility is that qualification for financial assistance shall be determined on the basis of ability to aid materially in the development of the GESMO record and inability to participate effectively in GESMO without funding. Compensation, based on a determination of responsible contribution to the record of the proceeding, would be provided for reasonable expert witness and attorney's fees, and other costs of participation. The Commission believes that any full participant, regardless of its point of view, should have a fair chance to receive assistance.

The question is not which side a participant takes, but rather whether it has made a contribution and whether, and to what extent, it needed funding to make that contribution effective. Accordingly, eligibility applications shall contain the following information:

(1) A description of the participant, including full name and address. When the participant is other than an individual, this description shall include the organization or instrumentality's general purposes, structure, and tax status.

(2) A brief description of what distinctive contribution the participant hopes to make to the GESMO proceeding, with reference to possible overlap with the likely contributions of other participants. This description should include a general outline of how financial assistance would be utilized.

(3) A full description of the participant's financial status, including assets and liabilities, sources of income, and current budgetary obligations. This description should include a discussion of what funds are currently available for GESMO and what efforts have been made to obtain additional funding for GESMO, both from inside and outside the participating organization.

Eligibility applications should be accompanied by appropriate affidavits affirming the truth and completeness of the information contained therein. Thorough

⁶ This Notice in no way changes the standard set forth in the Commission's January 6 Notice as to who may qualify as a GESMO full participant. See 41 Fed. Reg. 1133, 1134, § 3(c). In particular, the fact that financial assistance is now available may not be a factor in granting or denying a late-filed petition for full participation.

⁷ One commenter on the NRDC interim funding petition—the Westinghouse Corporation—asked for the opportunity to comment on the specifics of any funding rules proposed. This ten-day comment period will enable participants to respond to specific requests. We note, however, that the public participation on both the generic and interim funding petitions afforded an opportunity, utilized by many, to discuss the pros and cons of various funding schemes. Those public comments have been considered by the Commission in developing the procedures stated in this Notice.

⁸ The precise format for this submission will be published by the Commission at a later date.

⁹ This procedure is consistent with that suggested in the NRDC interim funding petition. The NRDC petition states at p. 2, note 1:

In lieu of providing for payments in advance of hearings the Commission should allow parties to now qualify for such assistance based upon an appropriate showing of need for financial assistance and to be eligible for such assistance after conclusion of the hearing based upon an assessment of the contribution of their participation to a full development of the record.

¹⁰ Accordingly, the Sierra Club's motion, docketed November 1, 1976, asking that the GESMO hearing be rescheduled until funding applications are submitted, is denied.

informative eligibility applications will greatly enhance the Commission's ability to determine that a given participant is deserving of funding.

PROCEDURAL COST REDUCTIONS

Participants in the proceedings of any agency are subject to certain procedural costs which inevitably divert funds from substantive presentations. In all but the most informal proceedings, full participants must serve their filings on all other full participants, an obligation which imposes substantial reproduction and mailing costs. Copies of transcripts must be purchased if the participant desires an up-to-date written record of what has transpired. In some cases, security clearances must be obtained at a significant cost to the participant if one is to fully participate in a hearing. And, in virtually all cases, documents concerning the agency's proposed action must be obtained and studied, consistent with the Freedom of Information Act.

In regard to these matters, the Comptroller General found, and we agree, that "nothing prevents the Commission from simplifying procedures and eliminating unnecessary or unduly burdensome requirements which increase the cost to parties" of participating in our proceedings. B-92288 at 9. Thus, in regard to our statutory authority, reducing procedural cost burdens stands on a wholly different footing than direct financial assistance to participants. Moreover, the appropriate division of functions between an agency and Congress also supports the view that procedural requirements should be handled by the agency. We are not directly confronted here with broad social questions concerning which private points of view should be supported with taxpayer's monies. We are, rather, concerned with making agency processes accessible, so that private groups can effectively utilize their resources. Of course, if the agency assumes procedural costs for some participants, taxpayer's money is involved. The same is true when an agency provides a free public document room, which can be used by those who cannot afford to obtain information elsewhere. Common sense dictates that an agency is in the best position to minimize the procedural burdens of participation in its processes. Congress cannot be expected to have the detailed knowledge of agency practice and procedure required for this task. Congress, on the other hand, is equipped in practice and as a matter of democratic theory to decide which groups, if any, are entitled to have their substantive presentations substantially underwritten by the taxpayers.

In the past, the NRC has taken steps to minimize the burdens of participating in its processes. When possible, service lists are consolidated to reduce the number of required copies. The GESMO participants and hearing board have recently made admirable efforts in this regard. NRC policy also results in transcripts being available to participants at moderate cost. We also make considerable effort to provide the public with

documents concerning agency action in the Public Document Room and elsewhere. Both the Boasberg study and the Comptroller General's opinion note that, in the NRC, public participants receive copies of all documents related to a particular facility simultaneously with their receipt by the staff and other parties.

Nevertheless, we recognize, as did the Boasberg study, that more can be done. The importance of GESMO and the unusually large number of participants has led us to reduce further certain of these burdens associated with participation in agency activities. Three areas are appropriate for such action. First, there is the matter of service. The high level of public participation in GESMO has made this an unusual burden. The number of entries on the service list currently stands at 57, making service of papers a major undertaking. Accordingly, for those full participants whose eligibility applications are granted by the Commission, service may be performed by the filing of a single original addressed to Kathleen M. Mason, Special Assistant for GESMO, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, 20555. The Commission has no reason to believe this privilege will be abused by the filing of frivolous documents, but retains the power to reassess this policy in the highly unlikely event such abuse should occur.

The second area where the Commission will take action concerns transcripts. At present, transcripts of a day's hearing are available the next morning. The one copy placed in the Public Document Room for reading or photocopying, given the large number of participants in GESMO and the necessity that they prepare promptly and fully for the hearings, may be insufficient to supply the needs of those unable to purchase their own copies. Accordingly, each full participant whose eligibility application is granted will be provided a single copy of the transcript every morning after a hearing is held.

Finally, because the safeguards portion of the GESMO hearing may involve classified data, the Commission will soon be publishing rules governing access to such data. These rules will provide that under certain circumstances full participants may have access to classified data if they have obtained the appropriate security clearance. In order to insure that the cost to participants of such a clearance does not deter otherwise qualified individuals from participating in portions of the hearing, this cost will be waived for one representative for each full participant whose eligibility application is granted.

We realize, of course, that measures such as these need not be limited to GESMO. Service and transcript costs can be substantial in ordinary licensing and rulemaking proceedings. Finally, in the rare cases, such as GESMO, where they may be required, security clearance costs can add still another financial burden. The substantial question for us is how much similar changes would cost if made generally in our proceedings,

and whether budgetary support is available for these costs. What is now required is an assessment of those constraints. We are directing our staff to undertake a detailed study of them and to determine precisely what measures are available to use for reducing procedural costs. The results of that study will be published as soon as they are available.

Dated at Washington, D.C. this 12th day of November, 1976.

SAMUEL J. CHILK,
Secretary of the Commission.

SEPARATE VIEWS OF COMMISSIONER
GILINSKY

I support my colleagues decision to seek funds from the Congress to support some participants in our GESMO proceedings, and to take prompt steps within our existing authority to alleviate some of the incidental burdens of appearing in Commission proceedings. However, I would go further. The authority we now have, recognized by the Comptroller General, could reach a limited number of cases, and I would exercise it to the fullest. Beyond that, I believe we should be seeking funds and authority from the Congress to provide funds to intervenors, subject to appropriate limitations, across the whole range of our activities, not just for the GESMO proceedings. A fraction of one percent of our annual budget, allocated among those who in fact make important contributions to our licensing and rulemaking proceedings, would be a sound investment in public participation, responsive government, and effective regulation; while I pretend no precise analysis, such money would be as well spent for public protection in the regulation of nuclear power as comparable sums expended in our research, regulatory, or administrative programs.

This conclusion in no way reflects discredit on our staff. In the licensing and rulemaking activities, which would be the context for any funding, they are assiduous in their efforts to protect the public interest. For all the talk one hears about the bureaucracy, its flaccidity and its subjugation to special interest groups, my experience at this agency is that for the most part its staff understands clearly its public mission, is dedicated to the achievement of that mission, and spends whatever effort is required for the task. As professionals, they often work long hours beyond their compensation to secure the public safety, and by reasonable measures of performance they have done so with success.

Funding of interventions is desirable, in my view, because it will likely tend to promote conditions favorable to this attitude and this effectiveness. In particular, funding during the public stages of Commission proceedings will help to keep our staff on guard during earlier, less formal stages of our proceedings, and at the same time promote a full airing of controversy during the public stages of our regulatory process. Whether in licensing or in rulemaking, the nature of our proc-

ess is such as to encourage our staff, after careful review of relevant factors, to develop a particular point of view by the time public stages are reached and to become "advocates" for this emergent position. Thus, licensing hearings are preceded by two to three years of staff-applicant discussions regarding the facility in question; during this time, our staff may, and does, take strong positions with the applicant regarding safety measures which it wishes to see in place. The public hearing, however, comes after a resolution of these points has been obtained; by this time, the application has been modified, as needed, to the point that our staff is satisfied that issuance of the desired license would be consistent with our statutory mandate,¹³ and as a result the staff appears at hearing in support of the issuance of the license, a posture comparable to the applicant's. The public hearing will rarely see party dispute over the license application unless that dispute is raised by some third party, or intervenor.

Similarly, in rulemaking the staff does not generally publish a proposal for comment, or submit it to an oral hearing process until the proposal and any underlying documentation have been submitted to the most rigorous internal study and review. Inevitably, in these instances, the staff becomes, broadly speaking, a proponent both of the rule and of the view of underlying circumstances thought to support it. While every effort is made to be objective, and minds change, once the proposal has become public serious challenges are more likely to come from external than internal sources. I find nothing objectionable in the advocacy role our staff thus, and naturally, assumes with regard to safety matters. As already remarked; my experience as a Commissioner has been that they do the work which precedes it with devotion to their responsibilities of public protection. The question, rather, is one of public policy, whether it serves the public interest to take steps likely to promote testing of proposed Commission actions in an adversary context during the public portions of our procedures. I believe it does.

One could take the view of the Commission's public procedures that they serve as a useful vehicle for education of concerned members of the public and for enhancing public acceptance of proposed Commission actions, as an opportunity to confirm the correctness of the staff's work, or as a necessary safety valve, but that they are not essential to produce safe plants or effective, well supported rules. It is quite possible that Congress so viewed the matter when first it established our procedures.

Even on this theory, the participation of outsiders in the Commission's hear-

ings and rulemakings assist the effectiveness of its procedures. Our staff is human. The discussion process which precedes staff acceptance of an application and support of it at licensing hearings is intense and high pressured; the analysis which precedes issuance of proposed rules and back-up documentation can be equally so. It is useful that the members of our staff in engaging in these processes, processes in which license applicants and manufacturers understandably and properly make known their strongly held views, know that the outcome will be tested in a public forum.

But, more important, my own experience as a Commissioner, time and again, has been that external intervention has provided the impetus for necessary Commission action, by creating an urgency or suggesting a perspective on issues which would otherwise have been lacking. We cannot, in other words, afford to be neutral about whether participants other than applicants and their industrial suppliers appear in our proceedings. For our proceedings to serve the important public functions which, in my view, they now have, there must in many instances, be adversaries present, adversaries capable in terms of their resources of testing the staff's particularized, publicly taken position from an "outsider's" perspective. This is not to suggest that intervention is necessarily desirable in all, or even most, instances. But in that circumscribed class of cases where outside groups or individuals view their interests to be so seriously threatened by Commission action (or inaction) as to require intervention, the history of this Commission suggests that our decisionmaking, and, hence, the protection of the public health and safety, will not infrequently be enhanced by the tension introduced through such intervenor participation.

Of course, it does not follow from the general desirability of having adversaries present in such cases, that such adversaries must be supported by the public purse. Our traditions have been otherwise. And, in general, the level of adversary participation in Commission proceedings is already high. Nonetheless the benefit, as I have explained it, of outsider participation in our licensing hearings and rulemaking activities suggests to me that there could be cases in which the standard set down by the Comptroller General for exercise of our present authority could be met. Accordingly, I would view participation of some parties in some proceedings as essential.

Indeed the statutes under which we act support this view. In the rulemaking context, for example, the Commission is required to solicit the views of the interested public before making its decision, notwithstanding what may have been the most thorough analysis by our staff. In this setting one can well imagine a member of the affected public being unable to present his views adequately to the Commission at a rulemaking hearing for lack of funds. Were his position not represented by other public partici-

pants and were the issues he raised ones of moment, I believe, it could well be essential to provide him funds so as to insure his effective participation; not to do so would partially undermine the very purpose of this phase of the rulemaking process—the receipt of the broad range of views held by the public—and could, thereby, affect the Commission's ability to reach the required determination.

In the context of reactor licensing proceedings, the Atomic Energy Act provides that the Commission permit parties whose interests may be affected to present their views to the Commission through the hearing process—irrespective of the quality of the staff's efforts theretofore. Where an intervenor, be it an environmental group or a local dairy farmer, with the requisite interest seeks to be heard, the Atomic Energy Act tells us our decisional record is not complete until we have listened and, as in the rulemaking context, when such an intervenor raises important questions but lack of funds prevents adequate presentation of the intervenor point of view, our ability to reach the required determination as set out by statute, may suffer.

In view of these notable avenues for public participation embodied in the Atomic Energy and Administrative Procedure Acts, not to mention the Commission's discretionary solicitation of public views in the past, I am surprised that my colleagues are unwilling to leave the door ajar even to the extent of the Comptroller General's ruling and cannot envision circumstances under which public participation could be essential to our decisional process.¹⁴ In my view the only question is whether a would-be, needy party to a particular proceeding could bring itself within this standard.

I disagree with my colleagues in that I would establish procedures, today, by which would-be participants could attempt to meet the standards set out in the Comptroller General's letter and thus qualify for financial assistance. Thus, I believe we should be directing our staff to prepare a rule embodying those standards under which application could be made to a hearing board, or in the case of rulemaking to the Commis-

¹⁴ With respect to enforcement proceedings, funding may also be essential in appropriate, albeit rare, instances and I would not rule it out. History teaches that intervenors have been instrumental in a number of instances in bringing to light matters leading to enforcement proceedings and that the role of intervenors in such proceedings, once commenced, can be substantial, especially where novel issues are concerned. Indeed the Commission has said as much. In our November 11, 1976, opinion on Virginia Electric Power's North Anna power stations the Commission noted that the intervenor had "obviously played a key role" in the proceeding, slip op. at 13, and went on to adopt an interpretation of the term "material false statement", 42 U.S.C. Sec. 2236 which only this party had advanced before the licensing and appeals boards.

¹³ To be sure there are instances where differences remain between staff and applicant on various discrete issues, but the application cannot advance to the hearing phase until accord has been reached on the great preponderance of safety issues.

sion, for an order establishing funding eligibility.¹⁵

I also disagree with my colleagues' assessment of the need for legislation in this area. They are willing to recommend only funding of the GESMO enterprise, which they regard as singular, and see no need for funded participation by outsiders in our other public proceedings. I have already explained the basis on which I conclude that such a need is present. One way for the Congress to reflect that conclusion would be for it to adopt a funding standard less forbidding than that found in present law by the Comptroller General, for example, permitting the NRC to fund participants whose participation appeared substantially likely to, or in fact had proved to, contribute significantly to the conduct of a given proceeding. I would welcome such a statute and the appropriation of the funds necessary for the enterprise.¹⁶

The principal question Congress will have to face in this regard is one already suggested: outsiders already appear in our proceedings in substantial number, supported by the private and philanthropic funds we usually look to in this society for such enterprises; granted the need for participation, is there a need for public funds? This is not an issue I can pretend to decide, but some comparisons are instructive. A utility may spend upwards of a half million dollars in proc-

essing a single application before the NRC; our staff, an amount which is lower, but not by orders of magnitude. We conduct many such proceedings each year, aside from numerous rulemaking proceedings. According to the excellent study recently published by the Council for Public Interest Law, the funding available for "public interest" representation concerning environmental/safety policy issues of all types is approximately \$8 million. "Balancing the Scales of Justice: Financing Public Interest Law in America" (1976) p. 95. Important as the nuclear power issue is, funds available for our proceedings, as distinct from those of the EPA, DOT, Corps of Engineers, and other state and federal agencies, are unlikely to be more than 10 percent of the total. Even a doubling of this amount spent to assure needed public participation in our proceedings would entail a lesser expenditure than the \$1 million in public funds appropriated to support consumer interests in the FTC.

Finally, as the Boasberg study itself notes, the high level of outside participation in our licensing proceedings may be somewhat misleading, as it has tended in recent years to focus on environmental issues rather than the safety questions central to our regulation, and usually proceeds by cross-examination of others' witnesses rather than presentation of an independent case. These characteristics are readily traced to a lack of funds, and while they might not necessarily be remedied by provision of funds efforts could be made to see that they were.¹⁷ If the effect of funding is to permit injection of a wider variety of expert views, and public testing of safety judgments, needed participation will have been secured even if additional parties do not come forward.

[FR Doc.76-33938 Filed 11-17-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-CE-33-AD]

AIRWORTHINESS DIRECTIVES

Beech 19, 23 and 24 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to certain Beech 19, 23 and 24 series airplanes.

There have been reports of cracked or failed main landing gear housings on the above-mentioned aircraft which can result in collapse of the main landing gear during landing and/or separation of the main gear in flight. These conditions are caused by cracks which initiate in the

¹⁷ A congressional statute, or Commission action implementing new authority, might well favor or be limited to funding of expert assistance, or funding of presentations concerning Atomic Energy Act (as distinct from NEPA) issues.

main landing gear housing at the retention bolt hole. To detect and prevent cracks in the main landing gear housings on Beech 19, 23 and 24 series airplanes, an AD is being proposed which would require dye penetrant inspection of the housing for cracks, corrosion prevention treatment of the housings and replacement of the fore and aft retention bolts with two NAS 1669-6L7 blind fasteners installed in an inboard-outboard direction on each main landing gear housing.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before January 17, 1977 will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of sec. 6(c) of the Department of Transportation Act (40 U.S.C. 1655(c).)

In consideration of the foregoing, it is proposed to amend Section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

BEECH. Applies to Models A23-19, 19A, M19A, and B19 (Serial Numbers: MB-1 through MB-536); Models 23, A23, A23A, B23, and C23 (Serial Numbers: M-2 through M-1392); and Models A23-24 and A24 (Serial Numbers: MA-1 through MA-308) airplanes certificated in all categories.

Compliance: Required as indicated unless already accomplished.

To prevent possible collapse during landing or in-flight separation of the main landing gear, accomplish the following in accordance with Beech Service Instructions No. 0465-202, Rev. I or later FAA approved Revisions:

A. Within the next 150 hours' time in service after the effective date of this AD for those aircraft on 100 hour (FAR 91.169(b)) inspections, progressive (FAR 91.171) inspections or approved aircraft inspection program (FAR 135.60) or within eighteen (18) months after the effective date of this AD for those aircraft on annual (FAR 91.169(a)) inspections:

1. Remove left and right main landing gear housing (male part) from wing strut adapter (female part).
2. Using dye penetrant procedures, inspect the main landing gear housings (male part), in the areas around the fore and aft retention bolt hole for cracks.

3. If no cracks are found as a result of the inspection required in paragraph A.2.:

a. Reinstall the main gear housings in accordance with Beech Service Instruction 0465-202, Revision I or later FAA approved revisions.

b. Do not install any bolt in the fore and aft retention bolt hole.

4. If cracks are found during inspection required in paragraph A.2. above, prior to further flight:

a. Replace any cracked main gear housing with a new Beech Part No. 169-810011-25 housing assembly in accordance with Beech Service Instructions 0465-202, Revision I or later FAA approved revisions.

b. Do not install any bolt in the fore and aft retention bolt hole.

NOTE.—Even though Beech Service Instruction 0465-202, Revision I refers to P/N 169-810011-21 housing, Beech will ship a P/N 169-810011-25 housing assembly. The P/N 169-810011-25 assembly consists of two bushings installed in a P/N 169-810011-21 housing.

B. Any equivalent means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

Issued in Kansas City, Missouri on November 5, 1976.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc.76-33860 Filed 11-17-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-CE-32-AD]

AIRWORTHINESS DIRECTIVES

—Beech 99 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Beech Model 99 series airplanes.

Amendment 39-2484 (41 FR 1054), AD 75-27-10, is an AD applicable to Beech 99 series airplanes. It requires repetitive inspections of specific wing components on the aforementioned aircraft to detect fatigue cracks and establishes life limits on these components.

Subsequent to the issuance of AD 75-27-10, further investigation and service reports discount any correlation between the onset of wing skin cracks and fatigue cracks in the primary structure. In addition, experience dictates that inspection intervals when dealing with fatigue, should shorten as aircraft accumulate higher times in service and that wing rear spar and associated secondary inspections should be initiated on high time aircraft. Further, STC SA1178CE has now been issued and makes fail safe wing straps available. AD 75-27-10 does not consider the aforementioned items. Accordingly, an AD is being proposed, applicable to Beech 99 Series airplanes, which would supersede AD 75-27-10 and will incorporate these changes. Specifically, the new proposal would no longer correlate lower wing skin panel cracks with spar cracks, would reduce inspection intervals as aircraft attain more time in service and would add inspection requirements for wing secondary structure. The proposed rule would also recognize the wing straps in providing extended inspection intervals when the same are installed. It is recognized that the inspection intervals specified in the proposal for inspection of secondary structure differ from those set forth in Beechcraft Service Instruction 0388-018, Rev. V. The intervals established herein are clear and consistent and do not allow gaps in the secondary structure periodic inspections. The proposed AD incorporates changes and additional requirements based on current information. Additional information is being obtained in a continuing program designed to identify critical areas and improved inspection techniques.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before January 17, 1977 will be considered before action is taken upon the proposed Rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

The proposed amendment reads as follows:

Beech. Applies to all 99 (Serial Numbers U-1 and up) series airplanes with 3,000 or more hours' time in service.

COMPLIANCE: Required as indicated in accordance with the compliance tables set forth in this AD or as otherwise specified herein, unless already accomplished.

To detect any cracking of the wing front spar lower cap, other wing panel front spar carry-through structural components, wing secondary structure or STC SA1178CE wing Straps, accomplish the following:

I. Front spar lower cap inspection requirements:

TABLE 1—Compliance times

Lower spar cap total time in service (hours)	Inspection times	
	Initial inspection in accordance with this AD	Interval for repetitive inspections
0 to 2,999	None	None
3,000 to 7,500	Within 100 h time in service after accumulation of 3,000 h time in service or within 600 h time in service after last comparable inspection in accordance with AD 75-27-10.	Each 500 h (X-ray included).
7,501 up to 10,000 or to spar cap life limit time extension.	Within 600 h time in service after last comparable inspection in accordance with AD 75-27-10.	Each 300 h except X-ray at 600 h intervals.

A. Inspect, at time intervals noted in Table 1 above, the structural components set forth in Part I of Beechcraft Service Instructions 0388-018, Rev. V, or later approved revisions and summarized below, using those visual, dye penetrant, eddy current and x-ray methods of inspection set forth in Part I of said service instructions:

1. The right and left lower forward inboard and outboard wing attachment fittings;
2. The lower forward wing fitting-to-spar attachment area and the edges of the forward and aft flanges on the lower forward spar cap in the center section, outboard of each main gear wheel well;
3. The lower forward spar cap in each main gear wheel well;

4. The lower surface of the lower forward spar cap in the nacelle inboard of each main gear wheel well;
5. The four 3/16-inch brazier head rivets on the lower side of the spar cap in the nacelle inboard of each main gear wheel well;
6. The lower surface of the lower forward spar cap between each nacelle and the fuselage; and
7. The four Jo-bolt holes in the forward flange of the lower forward spar cap inboard of each nacelle in the area of the wing root rib.

II. Wing carry-through components inspection requirements:

TABLE 2.—Compliance times

Aircraft total time in service (hours)	Inspection times	
	Initial inspection in accordance with this AD	Interval for repetitive inspections
0 to 2,999	None	None
3,000 to 7,500	Within 100 h time in service after the accumulation of 3,000 h time in service or within 600 h time in service after the last comparable inspection in accordance with AD 75-27-10.	Each 500 h.
7,501 and on	Within 600 h time in service after the last comparable inspection in accordance with AD 75-27-10.	Each 300 h thereafter.

A. Inspect, at time intervals noted in Table 2 above, using visual methods, the structural components set forth in Paragraph o. of Part I of Beechcraft Service Instructions 0388-018, Rev. V, or later approved revisions, and summarized below:

1. The center line skin in the area between the forward and aft center section spars; and
2. The two fuselage formers aft of the forward center section spar.

III. Wing secondary structure inspection requirements:

TABLE 3. compliance times

Aircraft total time in service (hours)	Inspection times	
	Initial inspection in accordance with this AD	Interval for repetitive inspections
0 to 9,999	None.	None.
10,000 to 17,500	Within 600 h time in service after the effective date of this AD, for aircraft that have had spar caps replaced and did not have life limit extensions granted or at the time of spar cap replacement, for aircraft that had life limit time extensions granted.	Each 500 h.
17,501 and on	Within 400 h time in service after the effective date of this AD, for aircraft that have had spar caps replaced and did not have life limit extensions granted or within 7,500 hours' time in service after replacement of spar caps that were granted life limit time extensions.	Each 300 h thereafter.

A. Inspect, at time intervals noted in Table 3 above, using visual and dye penetrant methods of inspection, the structural components set forth in Part III of Beechcraft Service Instructions 0388-018, Rev. V, or later approved revisions and summarized below:

1. Lower fuselage skin at attachment to the forward spar;
2. Lower skin of each nacelle;
3. Center section skin under the top fairing and around the upper attach flange in each nacelle;
4. Upper flange of keel assembly doubler at the outboard side of each wheel well where the keel attaches to the main spar;
5. Dimpled skin attach holes on the forward side of the main spar at four Jo-bolts, left and right, and at all rivets between the fuselage and each nacelle;
6. Top skin attachment to the aft spar;
7. Lower aft spar cap and skin;
8. Lower strap on front spar at left and right wing stations 68.5;
9. Three stringers nearest the fuselage centerline between spars;
10. Frames and angle clips of the center wing/fuselage at fuselage stations 188, 197, and 207;
11. Four upper forward and eight aft wing-to-center section fittings;
12. Outer wing upper and lower spar cap and hinge; and
13. Aft spar and ribs near and inboard of all flaps.

IV. Wing front spar lower cap replacement requirements:

A. On all airplanes (1) upon accumulation of 10,000 hours front spar lower cap time in service or (2) 10,000 hours' time in service after replacing the front spar lower cap and associated components in accordance with Paragraph VI and (3) at 10,000 hours' time in service intervals thereafter, or at the attainment of service life extensions granted prior to January 7, 1976, replace the structural components set forth in Part II of Beechcraft Service Instructions 0388-018, Rev. V, or later approved revisions and summarized below:

1. Lower cap of the front spar, with attachment fitting, in each outer wing panel; and
2. Lower cap of the front spar, with left and right attachment fittings, in the center section.

V. Wing inspection requirements for airplanes having front spar lower cap straps installed per STC SA1178CE:

A. (Front spar lower cap and STC straps): Within 1,000 hours' time in service after in-

stallation of above noted STC straps (if front spar lower cap had 1,000 or more hours' time in service at time of strap installation) and thereafter at intervals not to exceed 1,000 hours' time in service or within 2,000 hours' time in service after installation of above noted STC straps (if front spar lower caps had 999 or less hours' time in service at time of strap installation) and thereafter at intervals not to exceed 2,000 hours' time in service:

1. Remove and inspect STC SA1178CE straps in accordance with Aerocon California, Inc. Engineering Order No. E. O. B-9975-2, dated November 14, 1975, or after approved revisions; and

2. Inspect wing front spar lower cap and associated components in accordance with Paragraph I and Items 5 and 8 of Paragraph III of this AD.

B. (Wing carry-through components): Inspect wing carry-through components at the time intervals specified in and per the requirements of Paragraph II of this AD.

C. (Wing secondary structure): Inspect wing secondary structure at the time interval specified and per the requirements of Paragraph III of this AD except that compliance is not required with respect to items 5, 8 and that portion of item 12 which refers to the lower spar cap and hinge as specified in said Paragraph III.

D. All paragraphs of this AD, except Paragraph IV, apply to airplanes with front spar lower cap straps installed per STC SA1178CE.

VI. If a crack or loose fastener is found during any inspection required by this AD, prior to further flight, repair or replace the defective component in accordance with Beechcraft Service Instruction 0388-018, Rev. V, or later approved revisions or in accordance with Aerocon California, Inc. Engineering Order No. E. O. B-9975-2 dated November 24, 1975, or later approved revisions, as applicable.

VII. Aircraft maintenance record entries must be made and notification in writing sent to Chief, Engineering and Manufacturing Branch, FAA, Central Region, stating the location and length of any cracks found during inspections required by this AD and also the total time in service of the component at the time the crack was discovered. Reports may be submitted by letter or through M or D or MRR procedures. (Reporting approved by the Office of Management and Budget under OMB No. 04-R-0174).

VIII. Within two (2) days after each x-ray inspection, send the radiographs

by most rapid means for review and comment to Beech Aircraft Corporation, Wichita, Kansas 67201.

IX. The eddy current inspections required by this AD must be performed by personnel who have received training and are qualified in the operation of eddy current equipment and this equipment must be calibrated using a specimen obtained from the manufacturer which simulates cracking of the spar cap. The replacement of critical parts such as the spar caps and wing attach fittings required by this AD must be performed by personnel or facilities properly equipped and certificated to perform such repairs.

X. Aircraft may be flown in accordance with FAR 21.197 to a base where this AD can be accomplished providing no cracks or unusual conditions are disclosed by visual inspection in the area of the aft inboard-most Huck bolts attaching the spar cap to the lower forward wing attach fitting.

XI. The inspection intervals required in this AD may be adjusted up as much as 25 hours where required to fit users maintenance cycles if authorized by local FAA Flight Standards Inspectors.

XII. Life limit time extensions, for wing front spar lower cap and associated fittings (also called components) granted in writing prior to January 7, 1976, apply only to those components that were in the aircraft when the time extension was granted and do not apply to new components installed after the extended life limits are attained.

XIII. Equivalent methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This AD supersedes AD 75-27-10 (Amendment 39-2484).

Issued in Kansas City, Missouri, on November 8, 1976.

C. R. MELUON, Jr.,
Director,
Central Region.

[FR Doc.76-33859 Filed 11-17-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-CE-34-AD]

AIRWORTHINESS DIRECTIVES

Certain Beech Model Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to certain Beech Model airplanes.

The aircraft manufacturer has identified Beech Model E55, E55A, A56TC, 58, 58A, 60, A60, 65-B80, 70, B-90, C-90, E-90, 95-B55, 95B55A, 100 and A100 airplanes which are equipped with non-explosion proof wing tip strobe lights. Under conditions of an explosive fuel mixture, these lights could be the source of an explosion in the wing areas in which they are installed. Accordingly, since the condition described herein is likely to exist or develop in aircraft of this type design, an AD is being pro-

posed applicable to the above-mentioned Beech model airplanes, requiring a visual inspection to identify the type of wing tip strobe lights installed. If the strobe lights are not explosion proof, they must be deactivated until such time as explosion proof strobe lights are installed. The proposed AD will exempt those aircraft equipped with identified explosion proof strobe lights or authorize reactivation of the strobe light system upon the installation of these explosion proof lights.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before December 20, 1976 will be considered before action is taken upon the proposed Rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons. The strobe lights identified in this proposal are the only ones known at this time. If commentators have knowledge of other makes of strobe lights (explosion or non-explosion proof), the Agency would appreciate the benefit of this information.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

BEECH. Applies to the following Models and Serial Numbers of airplanes if equipped with non-explosion proof wing tip strobe lights:

Models:	Serial Numbers
E55 and E55A	TE-768 through TE-903
A56TC	TG-84 through TG-94
58 and 58A	TH-1 through TH-302
60 and A60	P-3 through P-222
65-B80	LD-270 through LD-480
70	LB-1 through LB-35
B90 and C90	LJ-318 through LJ-502
E90	LW-1
95-B55 and 95-B55A	TC-1299 through TC-1525
100 and A100	B-1 through B-157

Compliance: Required as indicated, unless already accomplished.

To preclude wing tip explosion, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

1. Visually inspect the wing tip strobe lights to determine the make and part number installed.

2. If either Grimes Manufacturing Co. P/N 30-1467-1 or Symbolic Displays, Inc. P/N 701148-7-2 explosion proof strobe lights are installed, no further compliance with this AD is necessary.

3. If either Grimes Manufacturing Co. P/N 30-0669-1 or Hoskins P/N 30-0187-21 non-explosion proof lights are installed, deactivate the strobe light system by installing a guard over the switch, by pulling and blocking the circuit breaker so that it cannot be inadvertently reset, or by any other suitable means.

4. Upon the installation of either Grimes Manufacturing Co. P/N 30-1467-1 explosion proof strobe lights in accordance with Beechcraft Service Instructions No. 0800-362, or later FAA approved revisions, or Symbolic Displays, Inc. P/N 701148-7-2 explosion proof strobe lights, reactivate the strobe light system.

5. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Issued in Kansas City, Missouri, on November 9, 1976.

C. R. MELUGNI, Jr.,
Director, Central Region.

[FR Doc.76-33861 Filed 11-17-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SO-101]

SOUTHERN REGION

Designation of Control Zone

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Sanford, Fla., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 3, 1977 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The rule proposed herein has been reviewed in accordance with Executive Order 11821, title "Inflationary Impact Statements," (39 FR 41501, November 29, 1974), and it has been determined that the preparation of an inflationary impact statement is not necessary.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Sanford control zone would be designated as:

Within a 5-mile radius of Sanford Airport (lat 28°46'30" N., long. 81°14'25" W.); within 3 miles each side of the 259° bearing from the Sanford RBN (lat. 28°47'05" N., long. 81°14'36" W.), extending from the 5-mile radius zone to 8.5 miles west of the RBN. This control zone is effective from 0800 to 2100 hours, local time, daily.

This control zone is proposed to provide additional controlled airspace for IFR operations at Sanford Airport during those periods the airport traffic control tower is in operation.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on November 8, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-33851 Filed 11-17-76;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 76-NW-24]

EXTENSION OF JET ROUTE NO. 52

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would extend J-52 from Denver, Colo., to Vancouver, British Columbia, Canada, via several intermediate VORTACS.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before December 20, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would extend J-52 to begin at Vancouver, British Columbia, Canada, and continue via Spokane, Wash.; Salmon, Idaho; Dubois, Idaho; Rock Springs, Wyo.; and Denver, Colo. The airspace within Canada would be excluded from this jet route.

The proposed route would reduce the present jet route distance between Vancouver and Denver in addition to avoiding the airspace in the vicinity of Seattle, Wash., and Salt Lake City, Utah.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on November 12, 1976.

WRAY R. McCLUNG,
*Acting Chief, Airspace and Air
Traffic Rules Division.*

[FR Doc.76-33980 Filed 11-17-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[15 CFR Part 921]

FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PRO- GRAMS

Extension of Comment Period

On September 28, 1976, the National Oceanic and Atmospheric Administration (NOAA) published proposed regulations in the Federal Register (41 FR 42878) concerning the policies and procedures for implementing the Federal consistency requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 et seq. (Section 307). NOAA requested that comments on the proposed regulations be submitted on or before November 29, 1976.

Following publication, a number of reviewers requested that the comment period be extended based upon an expressed need for additional time to analyze the complex and significant issues raised by the regulations. NOAA has concluded that the requests for extension should be approved. Accordingly, written comments may be submitted to the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, on or before December 20, 1976.

Dated: November 8, 1976.

R. L. CARNAHAN,
*Acting Assistant Administrator
for Administration.*

[FR Doc.76-34091 Filed 11-17-76;8:45 am]

[50 CFR Part 216]

[Case No. MMPAH No. 2-1976]

TAKING OF MARINE MAMMALS INCIDENT- TAL TO YELLOWFIN TUNA PURSE SEIN- ING OPERATIONS

Ex Parte Communications Relevant to the
Merits of Formal Rulemaking Proceeding

On October 14, 1976, the National Oceanic and Atmospheric Administration (NOAA) proposed regulations on the taking of marine mammals incidental to yellowfin tuna purse seining in 1977, and gave notice of a hearing thereon. 41 FR 45015-45019. In accord-

ance with the procedural regulations published at 41 FR 43550-43552 on October 1, 1976, the notice included a list of federal employees to whom ex parte communications relevant to the merits of the proceeding may not be made in accordance with the policy expressed in section 4 of the Government in the Sunshine Act, Pub. L. 94-409. The Secretary of Commerce, Elliot L. Richardson, was not included in this list, because he had completely delegated his authority under the Marine Mammal Protection Act of 1972 to the Director, National Marine Fisheries Service (NMFS). Since publication of the notice of hearing, however, the Secretary has amended this delegation of authority to the Director to reserve a right of consultation and general policy guidance with respect to matters like those being considered at the above hearing. As a result, the Secretary is now an agency official "who is or may reasonably be expected to be involved in the decisional process of the proceeding" within the meaning of section 4 of the Government in the Sunshine Act. Ex parte communications with the Secretary relevant to the merits of the proceeding are therefore prohibited.

While ex parte communications with the Secretary relevant to the merits of the proceeding have up to this time been forbidden to prevent the appearance of impropriety, the new basis for this prohibition set forth in the present notice reflects the possibility of actual consultation with the Director, NMFS, resulting from the change in delegation.

JACK W. GEHRINGER,
*Deputy Director, National
Marine Fisheries Service.*

NOVEMBER 12, 1976.

[FR Doc.76-34064 Filed 11-17-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 76-185]

SPECIAL ANCHORAGE AREAS, SAN DIEGO HARBOR, CALIFORNIA

Proposed Disestablishment of Special
Anchorage

The Coast Guard, at the request of the San Diego Unified Port District, is considering amending the Anchorage Regulations by disestablishing Special Anchorage Area A-3, San Diego Harbor, California.

As a result of the San Diego Harbor Improvement Project, authorized by the River and Harbor Act of 1968, Pub. L. No. 90-483, section 101, 82 Stat. 731, Special Anchorage Area A-3 has been largely filled in with dredge spoils to construct an enclosed section of water for ultimate conversion to a marina complex. The principal use of the area will be for large numbers of recreational boats. Due to the large number of vessels using this area, the anchoring of unlighted vessels is no longer considered to be in the interest of navigation.

Interested persons are invited to participate in the rulemaking by submitting written data, views, or arguments to the Commander, Eleventh Coast Guard District, Union Bank Building, 400 Ocean-gate, Long Beach, California 90822. Each person submitting comments should include his name and address, identify the notice (CGD 76-185), and give reasons for any recommendations.

Comments received will be available for examination by interested persons at the Office of the Commander, Eleventh Coast Guard District.

Commander, Eleventh Coast Guard District, will forward all comments received before January 3, 1977, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all comments received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend § 110.90 of Title 33 of the Code of Federal Regulations by revoking paragraph (c)

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g) (1) (B), 80 Stat. 937; (33 U.S.C. 180), 49 CFR 1.46(c) (2).)

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 9, 1976.

A. F. FUGARO,
*Rear Admiral, United States
Coast Guard, Chief, Office of
Marine Environment and
Systems.*

[FR Doc.76-34039 Filed 11-17-76;8:45 am]

[33 CFR Part 117]

[CGD 76-210]

NIAGARA RIVER, NEW YORK Proposed Drawbridge Operation Regulations

At the request of the Canadian National Railway Company, the Coast Guard is considering revising the regulations for the Canadian National railroad bridge across the Niagara River, mile 0.6, to allow the draw to be maintained permanently closed to the passage of vessels. The draw is currently required to open if at least 24 hours notice is given. This change is being considered because no navigation requiring the draw to open has passed since 1946.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons

at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before December 20, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.708 to read as follows:

§ 117.708 Niagara River; Canadian National Railway bridge, mile 0.6.

The draw need not open for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification from the Commandant, United States Coast Guard, to take such action.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; (33 U.S.C. 499, (49 U.S.C. 1655 (g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4).)

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 10, 1976.

A. F. FUGARO,
Rear Admiral, United States
Coast Guard, Chief, Office of
Marine Environment and
Systems.

[FR Doc.76-34037 Filed 11-17-76;8:45 am]

[33 CFR Part 117]

[CGD 76-178]

ST. JOHNS RIVER, FLORIDA Proposed Drawbridge Operation Regulations

At the request of the Florida East Coast Railway (FEC), the Coast Guard is considering revising the regulations for the FEC railroad bridge across the St. Johns River, mile 24.6, in Jacksonville, to allow this bridge to operate on an automated system. The other FEC bridges near Jay Jay, Jupiter, Stuart and Port Mayaca already use an automated system. This change is being considered in order that all bridges operated by the Railroad can be operated under the same system.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, 51 SW First Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for ex-

amination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before December 20, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.429 immediately after § 117.408 to read as follows:

§ 117.429 St. Johns River, Fla.; Florida East Coast Railroad bridge.

(a) The bridge will not be manned by a regular attendant, and will normally be maintained in an open position.

(b) Flashing green lights are displayed on the bridge to indicate that water traffic may pass.

(c) When a train approaches the bridge, large signs on both the upstream and downstream sides of the bridge will flash "bridge coming down", the navigational lights will go to flashing red, and the standard siren signals will sound.

(d) After an eight minute delay, the bridge will lower and lock if there are no vessels under the bridge.

(e) After the train has cleared, the bridge will open and the light signals will return to flashing green.

(f) Train crews can hold the bridge down by pushing a hold button, and the bridge will remain down for a period of eight (8) minutes or while the approach track circuit is occupied.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4).)

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 10, 1976.

A. F. FUGARO,
Rear Admiral, United States
Coast Guard, Chief, Office of
Marine Environment and Sys-
tems.

[FR Doc.76-34038 Filed 11-17-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 645-1; PP5F1589 P38]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMI- CALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for the Pesticide
Thiophanate-Methyl

On February 27, 1975, the Environ-
mental Protection Agency (EPA) gave

notice (40 FR 8379) that American Cyanamid Co., PO Box 400, Princeton NJ 08540, had submitted a pesticide petition (PP 5F1589). This petition proposed that 40 CFR Part 180 be amended by the establishment of a tolerance for combined residues of the fungicide thiophanate-methyl (dimethyl[(1,2 - phenylene) - bis(iminocarbonothioyl)] bis [carbamate]) and its metabolite methyl 2-benzimidazole carbamate in or on the raw agricultural commodity bananas at 1 part per million (ppm) of which not more than 0.2 ppm shall be present in the pulp after the peel is removed.

American Cyanamid Co. subsequently amended the petition by deleting the metabolite methyl 2-benzimidazole carbamate from the tolerance request, proposing instead that the tolerance be revised to include thiophanate-methyl, its oxygen analog, dimethyl-4,4'-0-phenylene-bis, and its benzimidazole-containing metabolites. The firm additionally proposed that the tolerance level be increased from 1 ppm to 2 ppm in or on bananas, of which not more than 0.2 ppm shall be present in the pulp after the peel is removed.

The data submitted in the petition and all other relevant material having been evaluated, the pesticide is considered to be useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, milk, meat, or poultry as delineated in 40 CFR 180.6(a) (3). Because this petition was amended by increasing the tolerance level from that proposed in the February 27, 1975 notice, the tolerance is being proposed at this time to provide an opportunity for public comment. The Agency has determined that the tolerance established by amending 40 CFR Part 180 will protect the public health, and it is proposed, therefore, that the tolerance be established as set forth below. It is additionally proposed that 40 CFR 180.3(d), tolerances for related pesticide chemicals, be amended to include a provision for pesticides containing the benzimidazole moiety.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before December 20, 1976, that this proposal be referred to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before December 20, 1976, and should bear a notation indicating the subject/document control number "PP5F1589/P38." All written comments filed in response to this notice of

proposed rulemaking will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: November 10, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

(1) It is proposed that Part 180, Subpart A, § 180.3(d) be amended by adding the new subparagraph (10) containing provision for pesticide chemicals having as metabolites compounds containing the benzimidazole moiety; and

(2) It is also proposed that Part 180, Subpart C, be amended by adding the new § 180.371 containing a tolerance for residues of thiophanate-methyl, its oxygen analog, and its benzimidazole containing metabolites of 2 ppm in or on bananas and of 0.2 ppm in banana pulp after removal of the peel, to read as follows:

§ 180.3 Tolerances for related pesticide chemicals.

(d) * * *

(10) Where a tolerance is established for more than one pesticide having as metabolites compounds containing the benzimidazole moiety found in or on a raw agricultural commodity, the total amount of such residues shall not exceed the highest established tolerance for a pesticide having these metabolites.

§ 180.371 Thiophanate-methyl; tolerances for residues.

Tolerances are established for residues of the fungicide thiophanate-methyl (dimethyl (1,2-phenylene) bis(iminocarbonyl) [bis(carbamate)]), its oxygen analog, dimethyl-4,4'-o-phenylene-bis, and its benzimidazole containing metabolites (calculated as thiophanate-methyl) in or on the following raw agricultural commodities:

Commodity:	Parts per million
Bananas	2
Bananas, pulp	0.2

[FR Doc.76-33988 Filed 11-17-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[41 CFR Part 9-4]

COST PARTICIPATION POLICY

Notice of Proposed Rulemaking

Notice is hereby given that ERDA is considering the promulgation of a new procurement regulation. This proposed regulation will set forth the ERDA policy on cost participation by organizations performing research, development and demonstration projects under ERDA prime contracts.

The primary responsibility for bringing energy technology into use must reside with the private sector. To help assure the most efficient and effective

energy research, development and demonstration programs, organizations and individuals in the private sector should participate in the identification of technologies for development and demonstration. It is ERDA's intent to seek the highest possible levels of private sector cooperation and involvement in order to make maximum use of private expertise, to accelerate development of new technologies and speed the process of bringing technology into use. The ERDA energy research, development and demonstration program includes assisting the private sector in implementing new or improved energy technologies when such innovations are in the public interest but are not likely to be accomplished, either in a timely manner or at all, by the private sector acting alone.

The present ERDA Procurement Regulation covering cost participation is a carryover from the AEC Procurement Regulations and as such is not totally in line with the expanded ERDA mission or ERDA legislation. The emphasis in the existing policy is for cost sharing on basic and applied research. The proposed policy emphasizes cost participation by the performer when he will receive present or future economic benefits as a result of the effort; excluded from this requirement are contracts for products or services strictly for Government use. Other major differences are that the proposed policy calls for mandatory cost participation on demonstration projects and provides for participation "in kind."

Interested persons may submit comments on this proposed regulation to: Director of Procurement, Rm. C-167, U.S. Energy Research and Development Administration, Washington, DC, 20545, Attn: Berton J. Roth. To be given consideration by ERDA in its determinations relative to final promulgation of the procurement regulation, written submission must be made to arrive no later than January 3, 1977.

Dated at Washington, D.C. this 10th day of November 1976.

R. G. ROMATOWSKI,
Assistant Administrator
for Administration.

It is proposed to delete existing Subpart 9-456 of the ERDA-PR and add the following new part 9-4.56 to the ERDA-PR.

Subpart 9-4.56—Cost Participation

- Sec.
9-4.5600 Scope of subpart.
9-4.5601 Policy.
9-4.5602 Application.
9-4.5603 Amount of cost participation.
9-4.5605 Disposition of property and equipment furnished or acquired.
9-4.5606 Records.

Subpart 9-4.56 Cost Participation

AUTHORITY: Section 105, Energy Reorganization Act of 1974 (Pub. L. 93-438).

§ 9-4.5600 Scope of subpart.

(a) This subpart sets forth the ERDA policy on cost participation by organizations performing research, development

and demonstration projects under ERDA prime contracts. This subpart does not cover efforts/projects performed by other Federal agencies.

(b) Cost participation is a generic term denoting any situation where the Government does not fully reimburse the performer for all allowable costs necessary to accomplish the project or effort under the contract. The term encompasses cost sharing, cost matching, cost limitation (direct or indirect), participation in kind and similar concepts.

§ 9-4.5601 Policy.

Cost participation by the performer will not be obtained when the contract end products or services are being developed for Government use. However, when ERDA supports performer research, development and demonstration efforts not specifically for Government end use and where a principal purpose is eventual utilization by the private sector, it is ERDA policy to obtain cost participation when there is reasonable expectations that the performer will receive present or future economic benefits as a result of performance of the effort. In making the determination to obtain cost participation and amount of such participation, ERDA will consider the financial capability of the performer (e.g. small business) as well as the possible impact on future market and competition postures. The propriety, manner and amount of cost participation must be decided case-by-case. Cost participation is required for demonstration projects unless exempted by the Administrator.

§ 9-4.5602 Application.

(a) The ERDA Cost Participation Policy of 9-4.5601 applies to all contracts.

(b) Cost participation is not contemplated in contracts for the operations of Government-owned or leased, contractor-operated facilities of an unlimited life, or continuing cost-reimbursement type contracts for mission-oriented, large-scale research programs performed in research centers using equipment or facilities which are either partially or wholly Government-owned.

(c) Potential benefits to the contractor are less likely where basic research is involved and cost participation, if any, is expected to be less than in circumstances where a product is being developed. As projects or proposed efforts reach stages nearing commercial viability, cost participation becomes more appropriate and should be greater.

(d) Cost participation by educational institutions and other not-for-profit or nonprofit organizations should normally not be required unless not to do so is clearly inconsistent with the intent of the policy set forth in § 9-4.5601, or where unfair competitive advantage would ensue.

(e) Where it is determined by an Assistant Administrator that payment of the full allowable cost of the contractual effort is necessary in order to obtain the services of a particular organization, cost participation need not apply.

(f) Cost participation may not be appropriate:

(1) For research effort that has only minor relevance to the performing organization's non-Federal activities;

(2) When the performing organization lacks adequate non-Federal sources of funds from which to make a cost participation; or

(3) When the performing organization is predominantly engaged in research and development and has little or no production or service activities to which knowledge obtained from the research effort may be gainfully applied. However, if the results of the project are transferable to a commercial organization with production capabilities, and the performing organization obtains patent rights or other property rights which can be sold or licensed, cost participation may be appropriate.

(g) The fact that a project is jointly funded, e.g. ERDA and an industry association funding a third party performer, does not preclude cost participation by the performer. In fact, if the performer will gain competitive and economic advantages, cost participation may be required.

§ 9-4.5603 Amount of cost participation.

(a) Cost participation may be in any form, including but not limited to cash outlays, real property or interest therein needed for the project, personal property or services, or other in kind participation. Cost participation may include the value of contributions of other non-Federal sources, provided the contributions were not previously obtained from Federal sources. The value of any noncash contribution shall be established by ERDA. Cost participation may be accomplished by a contribution to either direct or indirect costs provided such costs are otherwise allowable in accordance with the cost principles of the contract. Allowable costs which are absorbed by the performer as its share of cost participation may not be charged directly or indirectly to the Federal Government under other contracts, agreements or grants.

(b) The manner of cost participation and how it is to be accomplished shall be set forth in the contract.

(c) The handling of any off-setting return from sale of products from a jointly undertaken project shall be set forth in the contract.

(d) The solicitation document shall state whether any cost participation is required and may set forth a minimum expected level or target level of cost participation. When cost to the Government is a major factor in a selection decision, the degree of cost participation will be considered.

(e) If an unsolicited proposal does not offer cost participation, the program office shall, after consultation with Procurement, determine whether cost participation is appropriate. If cost participation is appropriate, guidance for determining an appropriate level of par-

ticipation may be included in the procurement authorization package, but it should be recognized that the extent and type of cost participation is subject to negotiation.

(f) Commercial or industrial organizations should contribute a reasonable amount of the total project cost covered under the contract. As the advantages to the performers increase and as the project nears commercialization the contracting offices should seek higher levels of cost participation. In setting the levels of cost participation by the performer, the contracting officer should consider items, such as:

(1) Improvements in the performer's future commercial competitive position.

(2) Allocation of property at project's end.

(3) Whether the potential benefits will be lessened if the performer lacks production or other capabilities with which to capitalize on the results of the project.

(g) The extent to which a performing organization contributes to the cost of a project may be taken into consideration in the allocation of patent rights under ERDA's waiver policy. (See § 9-9.109-6(h) (1) for patent policies.)

(h) Fee or profit will not be paid the contractor nor will it be included in the estimated total cost of the project when the degree of cost participation is established.

(i) Fee or profit will not be paid to any member of the proposing team having a substantial and direct interest in the project, and who will receive present or future economic benefits as a result of performance of the effort be it a joint venture, partnership or otherwise. Competitive subcontracts placed with the prior written consent of the Contracting Officer and subcontracts for routine supplies and services are not covered by this prohibition.

§ 9-4.5605 Disposition of property and equipment furnished or acquired.

Disposition instructions for any property and equipment furnished or acquired during performance shall be set forth in the contract.

§ 9-4.5606 Records.

Recipients of contracts which provide for cost participation shall be required to maintain records adequate to reflect the nature and extent of their cost contribution as well as those costs charged to ERDA. Such records shall be subject to audit by ERDA.

[FR Doc.76-34141 Filed 11-17-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 5, 2920]

MOTION PICTURES

Special Land Use Permit

This proposed rulemaking amends Parts 5 and 2920 of 43 CFR to clarify that the Special Land Use Permit is the mechanism for authorizing use of lands administered by the Bureau of Land

Management for filming of motion pictures. This proposal also includes an amendment to Part 2920 that would allow the authorized officer to require a compliance bond prior to issuance of a permit for a motion picture use.

It is determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(a)(c)), nor does this action exceed the criteria for preparing an Inflation Impact Statement.

In accordance with the Department's policy of public participation in rulemaking (36 FR 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until December 18, 1976. Comments will be available for review in Room 5555 of the Interior Building, 1800 C Street NW., Washington, D.C.

It is hereby proposed to amend 43 CFR as follows.

1. Part 5 is amended by adding a new section, § 5.3, to read as follows:

§ 5.3 Areas administered by the Bureau of Land Management.

The regulations covering the Bureau of Land Management are found in 43 CFR Part 2920—Special Land Use Permits.

2. Section 2920.0-5 is amended by adding a new paragraph (h) to read as follows:

§ 2920.0-5 Definitions.

(h) The term "motion pictures" means the filming of motion pictures or the making of television productions or soundtracks but excludes filming by amateur photographers for noncommercial purposes, or by bona fide newsreel and television news photographers and soundmen of news items.

3. Subpart 2920.8 is amended by adding § 2920.8 to read as follows:

§ 2920.8 Bonds.

Prior to issuing the permit, the authorized officer may require a security bond, or a deposit made in cash or by certified check in an amount to insure full compliance with the terms of the permit.

4. A new Subpart 2925 is added to Part 2920 to read as follows:

Subpart 2925—Motion Pictures

Sec.

2025.1 Applications.

2025.2 Courtesy credits.

Subpart 2925—Motion Pictures

§ 2025.1 Applications.

Application for permits to use lands administered by the Bureau of Land Management for motion pictures as defined in § 2920.0-5(h) hereof shall com-

ply with the requirements set out in Subpart 2920 of this part. In addition, such application shall include information concerning the numbers of people, kinds and numbers of animals, and kinds and numbers of wheeled vehicles and stationary or mobile machines to be used in connection with the permit and their frequency of use. The mean and peak sound levels of abnormal noise making activity expressed in decibels, shall also be included in the application.

§ 2925.2 Courtesy credit.

The authorized officer may, in his discretion, require the permittee to give appropriate courtesy credit to the Department and the Bureau in any motion pictures made on public lands.

CHRIS FARRAND,
*Acting Assistant Secretary
of the Interior.*

NOVEMBER 11, 1976.

[FR Doc.76-34081 Filed 11-17-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 5]

AVAILABILITY OF INFORMATION TO THE PUBLIC

Intent To Propose Rulemaking

The Department of Health, Education, and Welfare is considering amending the regulations issued under authority of "The Freedom of Information Act." The regulations are found in Volume 45, Part 5 of the Code of Federal Regulations. The authorizing statute is found in Title 5, section 552 of the United States Code.

Under the Freedom of Information Act the public may, upon request, have access to most records of the Department. Some records are exempt by law from mandatory disclosure.

The purpose of the proposed amendments is to clarify the standards by which the Department determines which records can be disclosed and which cannot, particularly in cases where the information sought has been provided by a private citizen or a company either under compulsion of law or in seeking Department grants or contracts. In addition, we are considering reorganizing the regulation and changing the fees charged for providing information.

The Department's policy has been and will continue to be to make the fullest possible disclosure of records consistent with the requirements of confidentiality and administrative necessities found in the law. Recent court opinions and the Department's experience with the existing regulation indicate that changes in the regulation may be necessary if that policy is to be fully realized.

This Notice of Intent to propose rulemaking is being issued as part of the Department's desire for the early involvement of interested citizens in its regulations process. A Notice of Intent will be issued when major policies of the Department are being developed or when major changes in policy are being con-

sidered. It is a device to inform the public and to ask for public reaction to the identified issues and to the question of whether or not all issues have been identified.

We are considering the following issues, and we invite you to comment on them.

(1) DISCRETIONARY RELEASE OF RECORDS

A strict interpretation of the law would exempt from mandatory disclosure a number of records which are presently released at the discretion of the heads of the various components of the Department. This discretion has been exercised in the absence of formalized guidelines. The general rule has been to release the records in the absence of a compelling reason not to.

Should we formalize this practice by writing into the regulation standards for the exercise of this discretion? Who should exercise this discretionary authority? (program officials? Freedom of Information Officials? heads of the components of the Department? others?)

(2) CONFLICTING INTEREST OF PROVIDERS OF INFORMATION AND SEEKERS OF INFORMATION

Recently we have experienced "reverse" Freedom of Information cases. Citizens who are required to provide the Department with information (particularly contractors and grant applicants) have sought to prevent the general release of information they have provided. These cases result from disputes between the providers of the information and HEW over whether the information being sought is required to be disclosed by the statute.

Should providers of information have an opportunity to appeal a decision to release the information they have provided? If so, what procedures should we establish for the appeal and what amount of time would be fair to allow for the appeal?

(3) PROCEDURAL REQUIREMENTS

The Freedom of Information Act requires that a decision on a request for records must be made within 10 working days of the receipt of the request. The law does not define "receipt," and questions have arisen concerning when a request is officially received. HEW has assumed that the ten day time limit starts running upon receipt of the request in the "action office" (the office having custody of the records sought).

Is receipt in the "action office" the proper time to start the 10-day time limit?

Should the limit begin upon receipt anywhere within the Department?

Are there a substantial number of circumstances in which the difference of two or three days (depending on how the Department defines "receipt") is likely to be very important to a requestor?

How should oral requests for records be treated?

How can we expedite handling requests for records?

(4) FEE SCHEDULE

(a) The Department charges \$3.00 per hour for searching for records and ten cents (\$0.10) per page for duplication. No charge is made when the cost of

search and reproduction is \$5.00 or less. The \$3.00 per hour search fee has remained unchanged since 1967. The charges made do not cover actual costs to the Department.

Should changes in the fee schedule be made to reflect the increased costs of administration; thereby allowing the Department to recover a greater percentage of its actual cost?

Should there be separate charges within the fee schedule for searches by clerical and non-clerical personnel? (The cost to the Department is greater if non-clerical personnel are involved.)

(b) The law provides that records may be furnished without charge, or at a reduced rate, where the agency determines that a waiver or reduction of the fee is in the public interest; that is, the information would benefit the general public.

How should we determine whether disclosure would primarily benefit the general public?

Who should be responsible for making such determinations, program officials? or the officials authorized by regulation to determine the confidentiality of records? Should there be a procedure for appealing a denial of a request to waive or reduce the charge?

(5) ORGANIZATION OF THE REGULATION

(a) The regulation is currently divided into seven subparts. The requirements a citizen must follow in making a request for records are found in several subparts.

For you who use the regulations, is this format the clearest and most useful as an aid in making a request for records? Should the regulation be reorganized to place all procedural requirements in one subpart?

(b) The regulation contains a short appendix listing examples of records which are generally available and those which are not.

Would it be useful to expand these examples? From your experience, what types of documents could be added?

We welcome comments on these issues and any additional recommendations for improving the regulatory implementation of the Freedom of Information Act and its objectives. Communications should be addressed to:

Freedom of Information Officer, Office of Public Affairs, Department of Health, Education, and Welfare, 200 Independence Avenue, SW., Washington, D.C. 20201. Contact person: Russell M. Roberts, telephone: 202-245-7578.

Copies of the current regulation are available at the above address. All communications received on or before January 17, 1977, will be considered before final action is taken on this notice. All comments submitted will be available, both before and after the closing date for comments, in Room 618C2, South Portal Building at the above address for examination by interested parties. If it is determined that it is in the public interest to proceed further after consideration of comments, a notice of proposed rulemaking will be issued.

Dated: November 8, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-34004 Filed 11-17-76;8:45 am]

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weather conditions shown in the following chart:

Bolivar: *Wet and Cool weather* from May 18-June 20, 1976. *Drought* July 4-September 2, 1976.

Calhoun: *Cool weather* May 1-June 30, 1976. *Drought* July 1-August 31, 1976.

Carroll: *Cold wet weather* April 10 to May 20, 1976. *Drought* July 15, to September 30, 1976.

Chickasaw: *Cold weather* April 15-June 15, 1976. *Drought* July 4-August 31, 1976.

Choctaw: *Cold weather* May 1-May 31, 1976. *Drought* July 4-August 30, 1976.

Coahoma: *Below Normal Temperatures* May 1-June 5, 1976. *Drought* July 4-September 3, 1976.

Copiah: *Drought* July 4-September 5, 1976.

Covington: *Drought* July 1-October 5, 1976.

Grenada: *Drought* July 15-September 19, 1976.

Humphreys: *Cold weather* April 22-May 30, 1976. *Drought* July 5-September 2, 1976.

Issaquena: *Below normal temperatures and excessive rainfall* April 10-July 4, 1976. *Drought* July 5-September 4.

Itawamba: *Below normal temperatures* April 10-June 18, 1976. *Drought* June 19-August 25, 1976.

Jefferson Davis: *Drought* August 10-October 4, 1976.

Lafayette: *Cool weather* May 1-June 6, 1976. *Hot dry weather* August 5-31, 1976.

Lamar: *Drought* June 15-September 28, 1976.

Lawrence: *Drought* July 1-September 30, 1976.

Leake: *Cold and wet* May 10-June 26, 1976. *Drought* July 4-September 4, 1976.

Lee: *Below normal temperatures* May 1-30, 1976. *Drought* July 4-September 10, 1976.

Leflore: *Below normal temperatures* April 20-June 30, 1976. *Drought* July 4-September 7, 1976.

Marshall: *Frost* May 4-19, 1976. *Drought* June 20-August 25, 1976.

Neshoba: *Excessive cold and rain* March 1-May 25, 1976. *Drought* June 15-September 30, 1976.

Panola: *Drought* July 6-September 15, 1976. *Cold dry weather* May 1-May 25, 1976.

Perry: *Drought* July 7-September 24, 1976.

Quitman: *Drought* July 4-September 5, 1976.

Sharkey: *Below normal temperatures and excessive rainfall* April 10-July 4, 1976. *Drought* July 5-September 4, 1976.

Simpson: *Drought* July 6-October 8, 1976.

Sunflower: *Cool wet weather* April 12-May 28, 1976. *Drought* July 5-September 3, 1976.

Tallahatchie: *Abnormally cool conditions* May 1-June 30, 1976. *Drought* July 4-September 4, 1976.

Tate: *Excessive rainfall and extreme cold weather with late frost* April 15-May 10, 1976. *Drought* July 1-August 31, 1976.

Tippah: *Cold weather* May 1-20, 1976. *Drought* June 10-August 25, 1976.

Tunica: *Cold spring* April 10-May 20, 1976. *Drought* July 4-September 30.

Washington: *Excessive rainfall and abnormal cool weather in the spring* April 10-May 20, 1976. *Drought* July 4-September 3, 1976.

Webster: *Drought* July 4-August 31, 1976.

Winston: *Wet cool weather* April 10-May 20, 1976. *Drought* July 4-August 31, 1976.

Yalobusha: *Frost* May 20, 1976. *Low temperatures* April 1-May 31, 1976. *Drought* August 1-September 30, 1976.

Yazoo: *Drought* July 4, 1976-September 4, 1976.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation

of Governor Cliff Finch that such designation be made.

Applications for emergency loans must be received by this Department no later than December 21, 1976, for physical losses and July 21, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 12th day of November 1976.

FRANK B. ELLIOTT,
Administrator, Farmers
Home Administration.

[FR Doc.76-34085 Filed 11-17-76;8:45 am]

[Designation Number A377]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Missouri Counties as a result of adverse weather conditions described below:

Cedar: *Freeze* April 29 and May 3, 1976. *Drought* June 1 through August 31, 1976.

Douglas: *Freeze* April 26 and May 3, 1976. *Drought* June 1 through August 31, 1976.

Dunklin: *Drought* June 1 through August 31, 1976.

Lewis: *Drought* June 1 through August 31, 1976.

Mercer: *Drought* June 1 through August 31, 1976.

Mississippi: *Heavy rainfall* June 14 through July 7, 1976. *Drought* July 20 through September 15, 1976.

New Madrid: *Frost* May 3, 1976. *Excessive rainfall* June 5 through July 14, 1976 and *Drought* July 20 through September 5, 1976.

Pemiscot: *Below normal temperatures* May 1 through June 30, 1976. *Frost* May 8 and 10, 1976. *Excessive rainfall* May 15 through July 15, 1976. *Hail* June 26 and June 28, 1976. *Drought* July 20, 1976 through September 15, 1976.

Oregon: *Freeze* April 25 and May 2, 1976. *Drought* June 1 through August 31, 1976.

Ozark: *Freeze* April 26 and May 3, 1976. *Drought* June 1 through August 31, 1976.

Polk: *Drought* June 1 through August 31, 1976.

Scotland: *Drought* June 1 through August 31, 1976.

Scott: *Excessive rainfall* June 14, 1976. *Drought* June 1 through August 31, 1976.

Sullivan: *Freeze* April 28, May 3, and September 9, 1976. *Drought* June 1 through August 31, 1976.

Stoddard: *Excessive rainfall and below normal temperatures* April 15 through July 7, 1976. *Drought* July 15 through September 15, 1976.

Texas: *Frost* April 26 and May 3, 1976. *Drought* June 1 through August 31, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the

Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for emergency loans must be received by this Department no later than December 27, 1976, for physical losses and June 9, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 12th day of November, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-34086 Filed 11-17-76;8:45 am]

Forest Service

ALLEGHENY NATIONAL FOREST Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement on the Timber Management Plan for the Allegheny National Forest, USDA-FS-R9-DES-(ADM)-77-03.

The environmental statement concerns a proposed plan for managing the timber resources on the Allegheny National Forest for the period 7/1/76 through 6/30/84. The Allegheny National Forest is located in parts of Warren, Forest, Elk, and McKean Counties, Pennsylvania.

This draft environmental statement was transmitted to CEQ on November 12, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW, Washington, D.C. 20250.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

USDA, Forest Service, Allegheny National Forest, Spiridon Bldg., Box 847, Warren, Pennsylvania 16452.

A limited number of single copies are available upon request to Forest Supervisor, Allegheny National Forest, Spiridon Building, Box 847, Warren, Pennsylvania 16365.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public and from State and local

agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Allegheny National Forest, Spiridon Building, Box 847, Warren, Pennsylvania 16365. Written comments must be received by January 11, 1977, in order to be considered in the preparation of the final environmental statement.

JAMES H. FREEMAN,
*Director, Programming
and Land Use Planning.*

NOVEMBER 12, 1976.

[FR Doc.76-34088 Filed 11-17-76;8:45 am]

TAOS-PENASCO QUESTA DIVISION GRAZING ADVISORY BOARD

Meeting

A Special Meeting of the Taos-Penasco-Questa Division Grazing Advisory Board will be held at 1:00 p.m., Saturday, December 11, 1976, in the Supervisor's Office conference room, Taos, New Mexico.

The purpose of the meeting is as follows:

1. Trespass situation on the Luna-Chacon Allotment.
2. Advisory Board Organization on the Carson National Forest.
3. Evaluation of Association Bylaws.

The meeting will be open to the public. Persons who wish to attend should notify W. R. Snyder, Forest Supervisor, Carson National Forest, P.O. Box 558, Taos, New Mexico, phone (505) 758-2237. Written statements may be filed with the committee before or after the meeting.

W. R. SNYDER,
Forest Supervisor.

NOVEMBER 8, 1976.

[FR Doc.76-34089 Filed 11-17-76;8:45 am]

TIERRA AMARILLA GRAZING ADVISORY BOARD

Meeting

A Special Meeting of the Tierra Amarilla Grazing Advisory Board will be held at 1:00 p.m., Friday, December 10, 1976, at the Ghost Ranch near Canjilon.

The purpose of the meeting is as follows:

1. Advisory Board Organization.
2. Evaluation of Association Bylaws.
3. Off-Road Vehicles status on the Carson.
4. Discuss items requiring follow up from past Advisory Board meeting.

The meeting will be open to the public. Persons who wish to attend should notify W. R. Snyder, Forest Supervisor, Carson National Forest, P.O. Box 558, Taos, New Mexico, phone (505) 758-2237.

Written statements may be filed with the committee before or after the meeting.

W. R. SNYDER,
Forest Supervisor.

NOVEMBER 8, 1976.

[FR Doc.76-34090 Filed 11-17-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29740]

BELIZE AIRWAYS LIMITED

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on December 20, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, NW, Washington, D.C., before Administrative Law Judge Arthur S. Present.

Dated at Washington, D.C., November 11, 1976.

ROSS I. NEWMANN,
Chief Administrative Law Judge.

[FR Doc.76-34059 Filed 11-17-76;8:45 am]

[Docket No. 29445; Order 76-10-61]

LAS VEGAS-DALLAS/FORT WORTH NONSTOP SERVICE INVESTIGATION

Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of October, 1976.

The docket number for the application of Hughes Airwest in ordering paragraph 3 should read Docket 29555 instead of Docket 29554.

By the Civil Aeronautics Board.

Dated: November 12, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-34063 Filed 11-17-76;8:45 am]

[Dockets 25546 and 28265]

MACKEY INTERNATIONAL, INC.

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on January 5, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, NW, Washington, D.C., before Administrative Law Judge Burton S. Kolko.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before December 15,

Published at 41 FR (46366) October 20, 1976.

1976, and the other parties on or before December 29, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., November 11, 1976.

ROSS I. NEWMANN,
Chief Administrative Law Judge.

[FR Doc.76-34062 Filed 11-17-76;8:45 am]

[Docket 27557]

TRANSATLANTIC FAK CONTAINER AND CHARTER FREIGHT RATES INVESTIGATION

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 6, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW, Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before December 7, 1976; and the other parties on or before December 13, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., November 11, 1976.

ROSS I. NEWMANN,
Chief Administrative Law Judge.

[FR Doc.76-34061 Filed 11-17-76;8:45 am]

[Docket 24847]

TRANSAVIA HOLLAND, N.V.

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 13, 1977, at 9:30 a.m. (local time) in Room 1003 C, North Universal Building, 1875 Connecticut Avenue, NW, Washington, D.C., before Administrative Law Judge Ralph L. Wiser.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 4, 1977.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., November 11, 1976.

ROSS I. NEWMANN,
Chief Administrative Law Judge.

[FR Doc.76-34060 Filed 11-17-76;8:45 am]

[Docket 28178]

SILVAS AIR LINES**Prehearing Conference**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 12, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before December 21, 1976, and the other parties on or before January 5, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau of facilitate cross-referencing.

Dated at Washington, D.C., November 11, 1976.

Ross I. NEWMANN,
Chief Administrative Law Judge.

[FR Doc.76-34058 Filed 11-17-76;8:45 am]

DEPARTMENT OF COMMERCE**Domestic and International Business Administration****RESEARCH FOUNDATION FOR MENTAL HEALTH, ET AL.****Applications for Duty-Free Entry of Scientific Articles**

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before December 13, 1976.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00020. Applicant: Research Foundation for Mental Hygiene, 722 W. 168th St., New York, N.Y. 10032. Article: Forceps, ultrafine. Manufacturer: Moria-Dugast, France. In-

tended use of article: The article is intended to be used for dissection of the nervous system of snails used in research and teaching related to medical problems (function of the nervous system). In addition, the article is to be used by medical students in relation to their general training and neuroscience course. Application received by Commissioner of Customs: October 26, 1976.

Docket Number: 77-00021. Applicant: Medical University of South Carolina, Department of Pharmacology, 80 Barre Street, Charleston, South Carolina 29401. Article: Batch Microcalorimeter, Model 2107-010 and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to measure heat changes associated with sodium and potassium binding to Na⁺,K⁺ATPase at varying concentrations of the cations. The change in enthalpy for the binding reactions will be determined from the heat changes. The change in the Gibbs free energy of the reactions will be calculated from the equilibrium constant (i.e., derived from equilibrium binding data) by the relationship, $\Delta G^\circ = -RT \ln K_{eq}$. The change in the entropy of the reaction will be calculated by the relationship, $\Delta G^\circ = \Delta H^\circ - T\Delta S^\circ$ where ΔG° = Gibbs free energy change, ΔH° = the enthalpy change and ΔS° = the entropy change. Thus, use of the article in combination with equilibrium binding studies will allow the thermodynamic characterization of sodium and potassium interaction with the Na⁺,K⁺ATPase. The effect of other ligands, particularly ATP and the magnesium-ATP complex, on these parameters will be examined. Such studies will provide new insight into how high-affinity sites for these cations (or alternatively how the bound cations are transferred from high-affinity to low-affinity sites) during the transport process. Predoctoral and postdoctoral trainees will be exposed to the apparatus in their research training to demonstrate how the heats of reaction can be measured. Application received by Commissioner of Customs: October 26, 1976.

Docket Number: 77-00022. Applicant: University of Illinois—Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Windowless Helium Resonance Lamp with Gas Manifold. Manufacturer: University of Linköping, Sweden. Intended use of article: The article is intended to be used for angularly resolved photo-emission experiments on layer crystals such as TiS₂, TiSe₂. Studies will be carried out on band structure and charge density wave phenomena. Work is being done by Ph.D. candidate as part of thesis research and physics course, Physics 497. Application received by commissioner of customs: October 27, 1976.

Docket Number: 77-00023. Applicant: University of Nebraska—Lincoln, Lincoln, Nebraska 68588. Article: THR-1500 1.5 Meter Double Pass Czerny-Turner Monochromator. Manufacturer: Jobin-Yvon, France. Intended use of article:

The article is intended to be used in the development of a stress modulation spectroscopy specifically adapted for the study of molecular crystals. Several problems will be surveyed to demonstrate the capabilities of the method. These will involve experiments to determine the critical points in the joint densities of states for the first singlet systems of naphthalene, anthracene and tetracene. Dye crystals having very strong coupling will be studied with the goal of locating the critical points in the metallic reflecting region. Piezomodulated luminescence studies will be made to determine the effect of strain upon the migration and lifetime of triplet excitons, in order to prove the nature of lattice relaxation processes. The effect of strain on the fluorescence polarization ratio will be determined for both piezoemission and piezoaction spectra. To ascertain the effect of stress upon S₁ and S₂, the piezoemission and Kramers-Kronig transformed piezoreflection spectra will be obtained and compared. Study on the interaction of strain with surface exciton states will be initiated. The emission studies also will be used to determine the effect of strain on defect emission and excimer emission. Known piezochromic and triboluminescent systems will be studied in an effort to locate the microscopic origin of these effects and to obtain more quantitative data. Application of uniaxial modulated stress to a cubic inorganic crystal in order to make assignment of electronic states by breaking degeneracies will also be undertaken. The dependence of the spectra of hydrogen-bonded crystals upon stress modulation will also be studied. Application received by commission of customs: October 27, 1976.

Docket Number: 77-00024. Applicant: The University of Texas Medical Branch, Department of Pathology, Galveston, Texas 77550. Article: Electron Microscope, Model EM400 with High Magnification Coniometer Stage and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the study of biological materials including liver, gastrointestinal epithelium, heart, lung, and blood vessels of man and animal. Experiments to be conducted involve changes in the ultrastructure and composition of cells and tissues following exposure to chemicals and bacteria which injure cellular constituents. Many will involve morphologic characterization of changes in confirmation of membranes which constitute the cell surface, and its cytoplasmic membranous constituents such as endoplasmic reticulum. The objectives of the research to be conducted are to determine the effects of toxic chemicals and environmental agents on components of cells and to determine the relationships between altered structures and its altered chemical composition. Medical students, graduate students and postdoctoral fellows who elect courses of study in Pathology research and who need the use of this instrument and the types of information it generates will be

instructed in its use and the interpretation of the data it generates. Application received by Commissioner of Customs: October 29, 1976.

Docket Number: 77-00025. Applicant: University of South Florida, College of Medicine, Dept. of Medical Microbiology, Box 10, 12901 N. 30th St., Tampa, FL 33612. Article: Tachophor, Model LKB 2127-001 and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological molecules which include proteins, peptides, and metabolites from animal tissue. The investigations to be conducted will involve studies on in vitro and/or in vivo reactions between molecules following increase, decrease or absence of one or all of the reacting molecules. The objective pursued in the course of these investigations is to understand the interrelationship between the biological molecules and to correlate these changes with chemical alterations seen in human diseases. Application received by Commissioner of Customs: October 29, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc.76-34042 Filed 11-17-76;8:45 am]

UNIVERSITY OF CALIFORNIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number 76-00467. Applicant: University of California—Lawrence Livermore Laboratory, P.O. Box 808, Livermore, CA 94550. Article: Two (2) each, High Voltage Power Supply 400 kV/300 mA Ion Source Terminal, Isolating Transformer 400 kV/75 kVA and one (1) Spare Parts. Manufacturer: Emile Haefely and Company, Ltd., Switzerland. Intended use of article: The article is intended to be used for investigation of 14 MeV neutron damage processes in materials to be used in controlled thermonuclear reactors. The materials to be investigated are construction types.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for

such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides high voltage power supplies (400 kilovolts (kV)/300 milliamperes) and ion source terminals with 400 kV isolation from corona which can withstand 10 ton internal loading and be powered by two 400-kV, 75 kilowatt transformers. The National Bureau of Standards (NBS) advises in its memorandum dated October 20, 1976, that the specifications of the article described above are pertinent to the applicant's intended use. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc.76-33987 Filed 11-17-76;8:45 am]

UNIVERSITY OF CHICAGO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00472. Applicant: University of Chicago, Department of Chemistry, 5735 South Ellis Avenue, Chicago, Illinois 60637. Article: Extended Interaction Oscillator and Power Supply. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used for studies of rare earth ions in inorganic and organic crystalline materials (e.g., lanthanum trichloride and lanthanum nicotinate crystals). Electronic states, hyperfine interactions, and structures of the environments of these ions will be investigated. Reserve Endor (electron nuclear double resonance) experiments will also be conducted. The article will also be used in research work of graduate students of candidates for the degree of Ph.D. in the Department of Chemistry. The educational objective of this research is the training and production of original investigators in the basic fields of chemistry and chemical physics.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign ar-

ticle provides a high power source (50 watts) required to generate microwave radiation in the 35 gigahertz range. The National Bureau of Standards (NBS) advises in its memorandum dated October 20, 1976 that (1) the specification described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc.76-33986 Filed 11-17-76;8:45 am]

UNIVERSITY OF WASHINGTON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00466. Applicant: University of Washington, Department of Oceanography, Seattle, Washington 98195. Article: Two (2) Automatic Weather Stations and Accessories. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The articles will be used in conjunction with recording current meters to obtain in situ wind measurement together with current measurements to enable development of predictive models.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a long recording life with a high sample rate (36 days with a 10 minute sample interval). The National Bureau of Standards (NBS) advises in its memorandum dated October 18, 1976 that (1) the specification of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc.76-33983 Filed 11-17-76;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Proposed Rules for Allocation of Quotas for Calendar Year 1977 Among Producers Located in the Virgin Islands, Guam and American Samoa

Pursuant to the authority granted the Secretaries by Pub. L. 89-805 the Departments of Commerce and the Interior are considering rules which will govern the allocation of duty-free quotas of watches and watch movements among producers in the Virgin Islands, Guam and American Samoa for calendar year 1977.

Interested parties may participate in the proposed rule making by submitting such written data, views or arguments as they may desire regarding the proposed rules set out below. All communications should be submitted on or before December 8, 1976, and addressed to:

Office of Import Programs, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230. Attention: Special Import Programs Division, Room 6895.

Such communications must include the name, address and telephone number of the party submitting the brief, and, if applicable, the name, address, telephone number and official position of the person submitting the brief on behalf of the interested party.

The Departments propose to revise, in Section 1, the formula used heretofore to calculate initial quota allocations. It is expected that the proposed formula, 70 percent of the units shipped in the first eight months, would result in slightly larger initial quotas than result from the existing formula, 50 percent of the units shipped in the first ten months. As a percentage of total shipments over total allocations for the period 1967-75, the proposed new formula yields a factor of .34 while the existing formula yields a factor of .33. The Departments believe this change will have some beneficial results in production planning of the quota recipients and will offer administrative advantages for the Departments.

In Section 2 it is proposed to reduce the proportion of each producer's initial quota allocation which must be entered into the U.S. customs territory on or before April 1 from 30 percent to 25 percent. The purpose of this proposed change is partially to offset the anticipated small increment in the size of initial quotas resulting from the proposed change in the initial quota formula, and partially to establish a more useful standard for measuring inadequate levels of quota utilization.

The Departments note that on the basis of Headnote 3(a) watch movement shipments to date and of reports on current levels of assembly activity the calendar year 1976 Guam quota will not be effectively utilized, raising the Departments' concern that the Guam quota might also be underutilized in 1977. It is considered necessary, therefore, to make provision for inviting applications from prospective new firms in Guam in an expeditious manner (see Section 8).

Section 9 permits adjustments in the quota allocations for the new firm selected in 1976 in Guam, in view of the fact that the firm will not have a full year of production upon which to base its 1977 allocation.

SECTION 1. Upon effective date of these rules, or as soon thereafter as practicable, each producer located in the Virgin Islands, Guam and American Samoa which received a duty-free watch quota allocation for calendar year 1976 and complied with all applicable rules, will receive an initial quota allocation for calendar year 1977 equal to 70 percent of the number of watch units assembled by such producer in the particular territory and entered duty-free into the customs territory of the United States during the first eight months of calendar year 1976. (See Section 9 for new entrant in Guam.)

SEC. 2. Each producer to which an initial quota has been allocated pursuant to Section 1 hereof must, on or before April 1, 1977, have assembled and entered duty-free into the customs territory of the United States at least 25 percent of its initial quota allocation. Any producer failing to enter duty-free into the customs territory of the United States on or before April 1, 1977, a number of watch units assembled by it in a particular territory equal to, or greater than, 25 percent of the number of units initially allocated to such producer for duty-free entry from that territory will, upon receipt of a show cause order from the Departments, be given an opportunity, within 30 days from such receipt, to show cause why the duty-free quota which it would otherwise be entitled to receive should not be cancelled or reduced by the Departments. Such a show cause order may also be issued whenever there is reason to believe that shipments through December 31, 1977, by any producer under the quota allocated to it for calendar year 1977 will be less than 90 percent of the number of units allocated to it. Upon failure of any such producer to show good cause, deemed satisfactory by the Departments, why the remaining, unused portion of the quota to which it would otherwise be entitled should not be cancelled or reduced, said remaining, unused portion of its quota shall be either cancelled or reduced, whichever is appropriate under the show cause order. The Departments may also issue a show cause order to any producer which, for a period of two or more consecutive calendar years, has failed through its Headnote 3(a) watch assembly operation to make a meaningful contribution to the economy of the territory and to the continued development of the duty-free watch assembly industry in the territory, when compared with the performance of the territorial duty-free watch assembly industry as a whole.

Among the factors the Departments may consider in taking this action are the producer's utilization of quota, amount of direct labor involved in the assembly of watches and watch movements shipped duty-free into the customs territory of the United States, and

the net amount of corporate income taxes paid to the government of the territory. Upon failure of the producer to show cause, deemed satisfactory by the Departments, why such action should not be taken, the firm's quota shall be cancelled and the eligibility of the firm for further allocations terminated. In the event of any quota cancellation or reduction under this section, or in the event a firm voluntarily relinquishes a part of its quota, the Departments will reallocate the quota involved, in a manner best suited to contribute to the economy of the territories, among the remaining producers: *Provided however*, That if in the judgment of the Departments it is appropriate, applications from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder or any quota voluntarily relinquished. Every producer to which a quota is granted is required to file a report (Form DIB-321P) on April 15, July 15 and October 15, of each year covering the periods January 1 to March 31, April 1 to June 30 and July 1 to September 30 respectively supplying all information specified on the report form, copies of which will be forwarded to each producer at its territorial address of record at least 15 days prior to the required reporting date. Copies of Form DIB-321P may also be obtained from the Special Import Programs Division, Office of Import Programs, U.S. Department of Commerce, Washington, D.C. 20230. Each producer to which a quota is granted will also report on Form DIB-321P any change in ownership and control which has occurred subsequent to the filing of an application for a watch quota on Form DIB-334P (see Section 10, below).

SEC. 3. Application forms will be mailed to recipients of initial quota allocations as soon as practicable and must be filed with the Departments on or before January 31, 1977. All data required must be supplied as a condition for annual allocations and are subject to verification by the Departments. In order to accomplish this verification it will be necessary for representatives of the Departments to meet with appropriate officials of quota recipients in the insular possessions in order to have access to company records. Representatives of the Departments plan to perform this verification beginning on or about February 15, 1977, in Guam and American Samoa and beginning on or about March 1, 1977, in the Virgin Islands, and will contact each producer locally regarding the verification of its data.

SEC. 4. (Virgin Islands only). The annual quotas for calendar year 1977 for the Virgin Islands will be allocated as soon as practicable after April 1, 1977, on the basis of (1) the number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1976, (2) the dollar amount of wages, up to a maximum of \$13,200 per person, paid by such producer in the territory during calendar year 1976 to persons residing in the

territory whose pay was attributable to its Headnote 3(a) watch assembly operation, and (3) the total dollar amount of income taxes paid by such producer in the territory during calendar year 1976 attributable to its Headnote 3(a) watch assembly operations, excluding penalty payments and less any income tax refunds and subsidies paid to such producer during calendar year 1976. In making allocations under this formula, a weight of 35 percent will be assigned to Headnote 3(a) production and shipment history, a weight of 50 percent will be assigned to wages paid as specified above, and a weight of 15 percent will be assigned to the total dollar amount of income taxes paid during calendar year 1976 and attributable to Headnote 3(a) watch assembly operations, with the exclusions and deductions specified above.

Sec. 5. (Guam only) The annual quotas for calendar year 1977 for Guam will be allocated as soon as practicable after April 1, 1977 on the basis of the number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1976, and the dollar amount of wages, up to a maximum of \$13,200 per person, paid by such producer in the territory during calendar year 1976 to persons residing in the territory whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, 40 percent will be assigned to production and shipment history and 60 percent to wages as specified above.

Sec. 6. (American Samoa only) The annual quota for calendar year 1977 will be allocated to the producer in the territory as soon as practicable after April 1, 1977. Policies relative to the allocation of quota in American Samoa are set forth in the Departments' notice of June 9, 1967 (32 FR 8316 et seq.).

Sec. 7. (Virgin Islands and Guam) For purposes of allocating watch quotas for calendar year 1977 under Sections 4 and 5, above, any watches or watch movements shipped from the Virgin Islands or Guam during calendar year 1976 for duty-free entry into the customs territory of the United States against a producer's 1976 watch quota, and which were lost prior to entry into customs territory of the United States, shall nevertheless be considered as having been entered into the customs territory for purposes of quota fulfillment: Provided, that the Departments have been satisfied that shipment was in fact made but lost prior to entry into the customs territory.

Sec. 8. (Guam only) In view of the low level of utilization of quota during calendar year 1976, the Departments hereby set aside 150,000 units of the calendar year 1977 Guam quota for possible allocation to new firms. New firms may apply for the set-aside portion of the Guam quota on or before March 1, 1977, or such later date as may be established by the Departments through publication of a notice in the FEDERAL REGISTER. Ap-

plicants must complete, applicable sections on Form DIB-334P, copies of which may be obtained from the address shown in Section 2 above, and must provide information regarding their experience in watch movement assembly and distribution; anticipated employment of local workers and proposed wage rates; watch movement assembly operations to be performed and types of movements to be assembled in the territory; estimated direct labor costs; anticipated capital investment in the territory; proposed source of financing; and plans for marketing movements assembled in the territory. (By "new firm" is meant an entity which has not heretofore been allocated a quota under Public Law 89-805 and which is completely separate from and unassociated with any present producer in terms of ownership and control.) Based on the Departments' evaluation of the information submitted by applicants, the Departments may allocate a part or all of the set-aside portion of the calendar year 1977 Guam quota among those applicants whose proposals, in the judgment of the Departments, offer the likelihood of the greatest contribution to the economy of the territory, and in such a manner as, in the judgment of the Departments, will best serve the interests of the territory. Any part or all of the set aside quotas not allocated under this provision may be reallocated among the 1977 Guam quota recipients in a manner best suited to contribute to the economy of the territory.

Sec. 9. (Guam only) In the determination of calendar year 1977 initial and annual watch quotas for the new entrant in Guam to which a quota allocation was made pursuant to Section 8 of the Rules for Allocation of Watch Quotas for Calendar Year 1976 (40 FR 59767 et seq.), and which will not have a full year's operation as a basis for computation of a quota for calendar year 1977, the Departments shall take into account these circumstances and make appropriate adjustments.

Sec. 10. The rules restricting transfers of duty-free quotas issued on January 29, 1968 and published in the FEDERAL REGISTER on January 31, 1968 (33 FR 2399), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar year 1977 except that detailed reporting of ownership and control will be reported on an annual basis on Form DIB-334P at the time the producer applies for an annual duty-free watch quota for calendar year 1977. Subsequent changes in ownership and control will be reported on April 15, July 15, and October 15, 1977, on Form DIB-321P required in Section 2 above.

Any interested party has the right to petition for the amendment or repeal of the foregoing rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by

the Secretaries of Commerce and the Interior (15 CFR Part 13).

Dated: November 15, 1976.

DONALD E. JOHNSON,
Deputy Assistant Secretary for
Domestic and International
Business, Department of
Commerce.

EMMETT M. RICE,
Acting Director, Office of Ter-
ritorial Affairs, Department of
the Interior.

[FR Doc.76-34044 Filed 11-17-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AD HOC COMMITTEE ON ADVANCED ICBM TECHNOLOGY OF THE USAF SCIENTIFIC ADVISORY BOARD

Meeting

NOVEMBER 3, 1976.

The USAF Scientific Advisory Board Ad Hoc Committee on Advanced ICBM Technology will hold a meeting on December 14 and 15, 1976, in the Pentagon from 8:30 a.m. to 5:00 p.m. both days.

The Committee will receive classified briefings and conduct classified discussions concerning an in-depth review of the technical aspects of the advanced ICBM program.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison
Officer, Directorate of
Administration.

[FR Doc.76-34035 Filed 11-17-76;8:45 am]

MUNITIONS-ARMAMENT PANEL OF THE USAF SCIENTIFIC ADVISORY BOARD

Meeting

NOVEMBER 3, 1976.

The USAF Scientific Advisory Board Munitions-Armament Panel will hold a meeting on December 16 and 17, 1976, in the Pentagon from 8:30 a.m. to 5:00 p.m. both days.

The Panel will receive classified briefings and conduct classified discussions concerning issues surrounding the re-entry vehicle for the advanced ICBM program.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board-Secretariat at (202) 697-8845.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-34094 Filed 11-17-76;8:45 am]

**USAF SCIENTIFIC ADVISORY BOARD
SCIENCE AND TECHNOLOGY ADVISORY GROUP, AIR FORCE SYSTEMS
COMMAND AND SPACE AND MISSILE
SYSTEMS ORGANIZATION DIVISION
ADVISORY GROUP**

Meeting

NOVEMBER 4, 1976.

The USAF Scientific Advisory Board Science and Technology Advisory Group, Air Force Systems Command, and the Space and Missile Systems Organization Division Advisory Group will hold a meeting on December 6, 1976 from 8:30 a.m. to 4:30 p.m. at the Air Force Rocket Propulsion Laboratory, Edwards AFB, California and on December 7-8, 1976 at the Space and Missile Systems Organization, Los Angeles, California from 8:30 a.m. to 4:30 p.m.

The Groups will receive classified briefings and participate in classified discussions relating to selected Air Force Rocket Propulsion Laboratory and Space and Missile Systems Organization programs.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

FRANKIE S. ESTEP,
Air Force Federal Register, Liaison Officer, Directorate of Administration.

[FR Doc.76-34093 Filed 11-17-76;8:45 am]

Department of the Army

**ARMY ADVISORY PANEL ON ROTC
AFFAIRS**

Meeting

In accordance with Pub. L. 92-463 dated 6 October 1972, notice is given of a meeting of the Army Advisory Panel on ROTC Affairs on 7 December 1976 at the Pentagon (Rm 2E687). The proposed schedule of activities is as follows:

- 0830----- Opening remarks by the chairman.
- 0840----- Remarks ranking Army official.
- 0900----- Department of the Army/U.S. Army Training and Doctrine Command/ROTC Region presentations.
- 1015----- Army Research Institute briefing.
- 1100----- Lunch.
- 1230-1330. Senior ROTC program study presentation.
- 1330-1630. Panel discussion of ROTC topics.

The meeting is open to the public.

ERCOLE M. BARONE,
Lieutenant Colonel, GS, Executive Secretary, Army Advisory Panel on ROTC Affairs.

[FR Doc.76-34075 Filed 11-17-76;8:45 am]

**US ARMY MISSILE COMMAND
SCIENTIFIC ADVISORY GROUP**

Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of committee: US Army Missile Command Scientific Advisory Group

Date of meeting: 8-9 December 1976

Place and time: US Army Missile Command, Redstone Arsenal, Alabama, 0830 hours

Proposed agenda: Missile system and component simulation:

- a. Facilities
- b. Capabilities
- c. Potential
- d. Plans for improvement, changes, additions, etc.
- e. System plans
- f. Cost
- g. Utilization

This meeting is closed to the public since the matters to be discussed fall under Section 552(b) (1) Title 5, United States Code, which states that matters required by Executive Order to be kept SECRET in the interest of national defense shall be withheld from disclosure.

For the Commander.

LYOYD L. LIVELY,
Executive Secretary, US Army Missile Command Scientific Advisory Group.

[FR Doc.76-34076 Filed 11-17-76;8:45 am]

**ENVIRONMENTAL PROTECTION
AGENCY**

[FRL 644-6]

**ADMINISTRATOR'S PESTICIDE POLICY
ADVISORY COMMITTEE**

Open Subcommittee Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following subcommittee meeting:

Name: The Strategy Subcommittee of the Administrator's Pesticide Policy Advisory Committee.

Date: December 3, 1976.

Time: 9:30 a.m.-4 p.m. (approximately).

Place: Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., Room 1032, West Tower.

Proposed Agenda: Review the most recent draft of the Pesticide Strategy document.

For further information please contact David K. Sabock, Executive Secretary, Administrator's Pesticide Policy Advisory Committee, Office of Water and Hazardous Materials (WH-556), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Anyone wishing to have their name placed on the mailing list for any committee reports,

meeting announcements and minutes of all meetings should contact the Executive Secretary, either in writing or by telephone (202) 755-0405.

Dated: November 12, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-33972 Filed 11-17-76;8:45 am]

[FRL 645-4; PFT17]

FOOD ADDITIVE PETITION

Filing

Pineapple Growers' Association of Hawaii, 1902 Financial Plaza of the Pacific, Honolulu HA 96813, has submitted a petition (FAP 6H5145) to the Environmental Protection Agency (EPA) which proposes to amend 21 CFR 561 by establishing a food additive regulation permitting the use of the nematocide ethyl-3-methyl-4-(methythio)phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolite in a proposed experimental program involving application of the nematocide to growing pineapples with a tolerance limitation of 10 parts per million for residues of the nematocide in dried pineapple bran.

Notice of this submission is given pursuant to the provisions of section 409(b) (5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Service Division (WH-569) Office of Pesticide Programs, East Tower, Rm. 401, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5145". Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: November 11, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc. 76-33970 Filed 11-17-76; 8:45 am]

[FRL 644-8; PF54]

**PESTICIDE AND FOOD ADDITIVE
PETITIONS**

Filing

Pursuant to the provisions of sections 408(d) (1) and 409(b) (5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

[FRL 645-2 OPP-00037]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE WORKING GROUP ON REGISTRATION AND CLASSIFICATION**Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Registration and Classification will be held Tuesday and Wednesday December 14-15 at the Downtown Holiday Inn, 1450 Glen Arm Place, Denver, Colorado 80202, telephone (303) 573-1450.

This will be the third meeting of the Working Group under SFFIAC auspices. The meeting will be concerned primarily with review of the latest draft of the final section 5(f) and 24(c) regulations. However, EPA's response to the SFFIAC recommendations on the section 3 regulations which were published in the FEDERAL REGISTER June 30, 1976 will be discussed, as will also the Agency's latest draft of the presumptively restricted use pesticide list.

This meeting, which will start at 9 a.m. December 14, will be open to the public. Those persons who wish to attend the meeting and who desire to make reservations at the Downtown Holiday Inn should indicate to the Holiday Inn that they plan to attend the SFFIAC Working Group/Registration and Classification meeting.

For further details, interested persons should contact P. H. Gray, Jr., Executive Secretary, State-Federal FIFRA Implementation Advisory Committee, Office of Pesticide Programs/Operations Division, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 755-7014.

Dated: November 11, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.76-33974 Filed 11-17-76; 8:45 am]

[FRL 644-7]

TEXAS OXIDANT CONTROL STRATEGY**Public Hearings on Proposed Amendments**

The Environmental Protection Agency Region VI will be holding public hearings on proposed amendments to the Texas Hydrocarbon/Photochemical Oxidant Strategy in the cities and on the schedules listed below:

December 14, 1976 at 10:00 a.m., Holiday Inn, Medical Center, 6701 Main, Houston, Texas.
December 15, 1976 at 2:00 p.m., Convention Center, Mission Room, San Antonio, Texas.
December 16, 1976 at 1:00 p.m., First International Building, 29th Floor Conference Room, Dallas, Texas.

Proposed amendments to regulations for the extension of existing state regulations to additional Texas counties,

gasoline marketing control (Stage I), control of crude oil storage tanks, and transportation controls were published in the FEDERAL REGISTER at 41 FR 49340 on November 11, 1976. Amendments to gasoline marketing control regulations (Stage II) were proposed in the FEDERAL REGISTER at 41 FR 48044 on November 1, 1976. Copies of the proposed amendments are available from the Agency's regional office at the following address: Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270. Interested persons may make presentations at the hearings or submit written comments to the Region VI Administrator. The hearing record will be kept open until January 1, 1977 for those wishing to make additional written comments.

Dated: November 11, 1976.

ROGER STRELOW,
Assistant Administrator
for Air and Waste Management.

[FR Doc.76-33973 Filed 11-17-76; 8:45 am]

[FRL 645-3; OPP-180103]

WYOMING DEPARTMENT OF AGRICULTURE**Crisis Exemption To Use DDT To Control Rabid Bats**

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the Environmental Protection Agency (EPA) gives notice that the Wyoming Department of Agriculture (hereafter referred to as "Wyoming") has availed itself of a crisis exemption to use DDT 75% wettable powder to control rabid bats discovered in a private residence in Sheridan County, Wyoming. This exemption is subject to the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, Wyoming has submitted in writing the following certified information.

According to Wyoming, the residents of the home had been routinely finding "sick bats" in the yard and around their buildings; concerned with the safety of their son and their pets, they killed the bats and sent two of them to the State laboratory for tests. The two bats were confirmed as being rabid. The Wyoming Departments of Agriculture and Health and Social Services were notified. On September 9, representatives of the Health and Social Services Department visited the house and examined all attic and crawl-space areas and available entrance cracks and openings to the house walls and attic. The representatives stated that they discovered that a colony of bats lived in the front and rear house

PPTF1879. Mobay Chemical Corp., PO Box 4913, Hawthorne Rd., Kansas City, MO 64120. Proposes that 40 CFR 180.320 be amended by the establishment of a tolerance for residues of the insecticide 3,5-dimethyl-4-(methylthio)phenol methylcarbamate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity group citrus fruits at 0.02 part per million (ppm). Proposed analytical method for determining residues is by gas chromatography and flame photometric detection. PM12 (202/755-9315)

FAP7H5154. Union Carbide Corp., 1730 Pennsylvania Ave. NW, Washington, D.C. 20006. Proposes that 21 CFR 561 be amended by the establishment of a regulation permitting the use of the insecticide carbaryl (1-naphthyl N-methylcarbamate), including its hydrolysis product 1-naphthol, calculated as 1-naphthyl N-methylcarbamate, in the processed feeds barley hulls and oat hulls at 15 ppm resulting from application of the insecticide to the growing crops. PM12 (202/755-9315)

PPTF1878. Union Carbide Corp. Proposes that 40 CFR 180.169 be amended by the establishment of tolerances for residues of the insecticide carbaryl (1-naphthyl N-methylcarbamate), including its hydrolysis product 1-naphthol, calculated as 1-naphthyl N-methylcarbamate, in or on the raw agricultural commodities barley grain, oat grain, rye grain, and wheat grain at 3 ppm, in the meat, fat and meat byproducts of cattle, goats, hogs, horses, and sheep at 1 ppm, and in milk at 0.2 ppm. Proposed analytical method for determining residues is by thin-layer chromatography and a colorimetric procedure using color reagents consisting of p-nitrobenzenediazonium fluoroborate, dimethylformamide, and glacial acetic acid. The absorbance is determined at a wavelength of 475 nm. PM12 (202/755-9315)

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Service Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the number cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: November 10, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.76-33971 Filed 11-17-76; 8:45 am]

walls, between an outer layer of stone and an inner layer of wood. Examination of the outlying buildings yielded five (5) Little Brown bats, which were shot. Four of those particular bats were tested for rabies at a laboratory, but were negative.

No pesticide registered for this particular use to eradicate or control the rabid bats was available, according to Wyoming. Further, the time element was so critical that there was no time to request a specific exemption.

On September 10, approximately 3½ pounds of DDT 75 percent wettable powder was injected via a dusting machine into the house walls where the roosting areas were believed to be. Physical access to the house roosting areas was not possible, so control could only be obtained by dusting of the areas from the attic and crawl-space areas inside, and dusting through the entrance cracks and openings from the outside. Wyoming stated that thorough examination revealed that no DDT leaked into the living areas of the house. Approximately 3 or 4 days after treatment, a dramatic reduction of bats emerging was noted, according to Wyoming. No additional entrances to the house were discovered; therefore no further dusting was initiated. Actual dusting was performed by an experienced State-licensed applicator and his assistants under his direct supervision. A signed landowners' agreement giving permission for the treatment was obtained prior to the application.

The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M Street SW., Washington, D.C. 20460.

Dated: November 10, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-33969 Filed 11-17-76;8:45 am]

FEDERAL ADVISORY COUNCIL ON REGIONAL ECONOMIC DEVELOPMENT

REGIONAL ECONOMIC DEVELOPMENT FEDERAL ADVISORY COUNCIL

Open Meeting

Notice is given that a meeting of the Federal Advisory Council on Regional Economic Development will be held on Tuesday, December 14, 1976, at 9:30 a.m. to 12 noon, in Room 5230, Department of Commerce, Washington, D.C. 20230.

The Federal Advisory Council was established pursuant to Executive Order 11386. The Council is a cabinet-level committee composed of those Federal agencies most concerned with economic development. Among its responsibilities, the Council advises the Secretary of Commerce, who is Chairman of the Council, in his review of the long-range economic development plans prepared by the Title V Regional Action Planning Commissions.

The purpose of this meeting is to discuss the long-range economic development plan submitted to the Secretary of Commerce by the New England Regional Commission. In accordance with the review procedures adopted by the Council, the New England Development Plan has been circulated to the members for their review.

Inquiries may be addressed to the Acting Executive Secretary, Federal Advisory Council on Regional Economic Development, Office of Regional Economic Coordination, Room 2092, Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5174.

Dated at Washington, D.C., November 4, 1976.

JOHN W. EDEN,
Acting Special Assistant to the
Secretary for Regional Economic Coordination.

[FR Doc.76-34092 Filed 11-17-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

DETERMINATION OF SPECIAL HARDSHIP, INEQUITY, OR UNFAIR DISTRIBUTION

Guidelines Required by section 7(i)(1)(D) of the Federal Energy Administration Act

Under section 7(i)(1)(D) of the Federal Energy Administration Act of 1974 (FEAA), as recently amended by section 104 of the Energy Conservation and Production Act (ECPA), the Federal Energy Administration is required to "establish criteria and guidelines by which . . . special hardship, inequity, or unfair distribution of burdens shall be evaluated." According to the ECPA Conference Committee Report, FEA is required to publish "a description of standards which it has employed, in the past, in approving or denying applications for exception relief."

In satisfaction of these requirements, FEA has prepared and is hereby publishing in the Appendix to this notice the requisite guidelines. As recognized in the Conference Committee Report, however, inasmuch as FEA cannot anticipate all situations that will arise in the future where relief would be appropriate, the publication of these guidelines is not designed to limit or preclude future FEA action with respect to applications for exception relief.

Dated: November 12, 1976.

DAVID G. WILSON,
Acting General Counsel.

Federal Energy Administration

OFFICE OF EXCEPTIONS AND APPEALS

Guidelines

Published pursuant to the provisions of section (7) (i) (1) (D) of the Federal Energy Administration Act of 1974, as amended by section 104 of the Energy Conservation and Production Act of 1976.

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PREFACE

On August 14, 1976, the Congress of the United States enacted the Energy Conservation and Production Act of 1976, Pub. L. 94-385. Section 104 of the Act provides that, within ninety days of the date of the enactment of the legislation, the Office of Exceptions and Appeals of the Federal Energy Administration shall "establish criteria and guidelines by which . . . special hardship, inequity, or unfair distribution of burdens shall be evaluated." In discussing the provisions of Section 104 in the Conference Report which accompanied the Energy Conservation and Production Act, the conferees state:

The conferees intend the provisions relating to publication of criteria and guidelines to require that the FEA publish a description of standards which it has employed, in the past, in approving or denying applications for exception relief. The conferees expect that these guidelines, together with precedents contained in the published decisions and orders of the Office of Exceptions and Appeals, will assist applicants in making presentations to the agency by providing them with a statement of the grounds on which relief has been accorded in the past. It is not the intention of the conferees, however, that these provisions require the FEA to anticipate all situations in which relief may be appropriate in the future, since the exceptions process is designed in substantial measure to resolve factual situations which could not have been and were not contemplated at the time the general statutory or regulatory programs were adopted, Conf. Rep., Pub. L. 94-385, CCH Fed. Energy Guidelines, Par. 10,621, at p. 10,480.

The guidelines which follow provide a summary of the standards which the Federal Energy Administration has consistently applied in its consideration of the wide range of exception applications which it has received. These guidelines are intended to provide potential applicants with a general understanding of the grounds on which relief has been accorded to previous applicants. It should also be recognized, however, that each exception application submitted to the Federal Energy Administration must be considered on the basis of the particular factual

circumstances presented in the application, and that the broad, general standards set forth in these guidelines represent only a starting point for the consideration of a particular application.

INTRODUCTION

Pursuant to the provisions of section 4(a) of the Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, the FEA has promulgated a set of regulations providing for the mandatory allocation and pricing of crude oil and refined petroleum products. In Subpart D of Part 205 of the FEA Regulations, the FEA established procedures for applying for an exception from any regulation, ruling or generally applicable requirement of the FEA which may have an adverse effect on a particular person or firm; Section 205.55(b) (2) provides that:

An application for exception may be granted to alleviate or prevent serious hardship or gross inequity * * * 10 CFR 205.55 (b) (2), 39 FR 35472 (October 1, 1974).

Since its inception, the FEA has applied these standards to a broad range of exception applications, issuing detailed decisions and orders which specify the standards used to arrive at a determination in each case and the specific application of those standards to the facts presented in each proceeding.¹ Since these decisions and orders serve as precedents for the consideration of subsequent exception applications, they must be consulted for specific guidance as to the particular precedents which are applicable to the factual situation which an applicant encounters. In order to assist applicants in using the prior cases as a reference source the FEA Office of Exceptions and Appeals also publishes a Topical Index to all prior Decisions as well as a Table which cross references each prior case with the FEA Regulations.

As discussed above, the published Decisions and Orders of the National Office of Exceptions and Appeals serve as precedents for the consideration of subsequent exception applications. Additional source material in the resolution of exception requests may be found in the Rulings which the FEA General Counsel issues pursuant to 10 CFR, Part 205, Subpart K. In contrast, an interpretation issued by the FEA Office of General Counsel or by a Regional Counsel does not constitute binding precedent in the resolution of an exception application. As the FEA has stated on a number of prior occasions, an interpretation is not considered to be issued in the course of an adjudicatory proceeding and has limited applicability to the particular applicant. See *Atlantic Richfield Company v. Federal Energy Administration, et al.*, CCH Fed. Energy Guidelines, Par. 26,054, at p. 26,439 (N.D. Cal. July 19, 1976). See also *Atlantic Richfield Company*, 3 FEA Par. 80,572 (February 13, 1976), and the cases cited therein. In contrast, a Decision which resolves an Appeal taken from an interpretation is issued within the context of an adjudicatory proceeding and therefore does have precedential effect. Similarly, the unpublished Decisions and Orders of the FEA Regional Offices of Exceptions and Appeals do not

serve as binding precedents on the National Office in its consideration of subsequent exception applications. Although these Decisions may be used as guidance for future actions by the particular FEA Regional Office which issued the determinations, these Decisions are often based on local considerations which would not apply in a national context. These determinations therefore occupy the same status within the FEA administrative process as unpublished non-precedential decisions of a court occupy with respect to the judicial process.

Although specific guidance as to the principles applied in deciding a given type of case can be best found in the prior precedents involving similar factual cases, it is possible to describe in a general manner a number of principles of general applicability.

CAUSALITY

One such general principle concerns the alleged cause of the hardship or inequity which the applicant claims to be incurring. Exception relief has been approved only upon a strong showing that the application of an FEA regulatory requirement in a particular factual setting results in a serious hardship or gross inequity. The FEA has consistently held that exception relief is not appropriate where a firm has failed to demonstrate that the difficulties which it is facing are primarily attributable to the FEA regulatory program from which it seeks exception relief. See, e.g., *Texas Asphalt and Refining Company and Petroleum Industries, Inc.*, 3 FEA Par. 80,529 (December 8, 1975); *Wallace and Wallace Chemical and Oil Co.*, 2 FEA Par. 83,207 (July 3, 1975); and *Clark Oil and Refining Co.*, 2 FEA Par. 83,040 (February 12, 1975), and the cases cited therein. The exceptions process is not intended as a panacea for every conceivable type of financial problem encountered by any firm doing business in the petroleum industry. Rather, exception relief is designed to alleviate specific operating difficulties which have arisen as a direct result of the application to a firm of a particular regulatory requirement from which relief is sought.

SERIOUS HARDSHIP CRITERION

In considering exception applications, the FEA has concluded that exception relief is appropriate where a firm demonstrates that the impact of the FEA regulatory program on its operations produces serious financial difficulties for the firm. In applying the serious hardship criterion to a specific factual situation, the FEA has generally evaluated a firm's current and projected financial posture and economic viability in comparison to the firm's historic performance. See, e.g., *Payton Oil Company*, 4 FEA Par. 83,054 (August 19, 1976); *Beacon Oil Company*, 3 FEA Par. 83,209 (June 8, 1976); and *Colonial Oil Company*, 2 FEA Par. 83,201 (July 3, 1975), and the cases cited therein. In order to fully analyze a firm's financial condition, the FEA has considered a variety of factors, including the general profitability of the firm (see, e.g., *Quincy Oil, Inc.*, 3 FEA Par. 83,180 (May 7, 1976); *Commonwealth Oil Refining Company, Inc.*, 3 FEA Par. 83,178 (May 4, 1976); and *Guam Oil and Refining Company, Inc.*, 3 FEA Par. 83,026 (November 28, 1975)); cash flow difficulties which the firm may be incurring as a result of the FEA regulatory program (see, e.g., *New England Petroleum Corporation*, 3 FEA Par. 83,015 (November 17, 1975); *Western Refining Company*, 2 FEA Par. 83,139 (April 30, 1975); and *Pasco, Inc.*, 2 FEA Par. 83,021 (January 20, 1975)); the firm's historical and projected return on invested capital and return on equity (see, e.g.,

Placid Oil Company, 3 FEA Par. 83,153 (April 9, 1976); and *Hawaiian Independent Refinery, Inc.*, 2 FEA Par. 83,195 (June 24, 1975)); significant losses incurred in sales volume or market share (see, e.g., *Chesapeake Pure Fuels, Inc.*, 3 FEA Par. 83,250 (June 29, 1976); *Atlantic Petroleum Corporation*, 2 FEA Par. 83,217 (August 18, 1975); *Martin Oil Service, Inc.*, 1 FEA Par. 20,185 (November 19, 1974); and *Caveney and Company*, 1 FEA Par. 20,630 (October 15, 1974)), and difficulties in obtaining sufficient supplies of petroleum products (see, e.g., *Oskay Gasoline and Oil Company*, 2 FEA Par. 83,114 (April 9, 1975); *Ulrich Oil Company*, 2 FEA Par. 83,105 (March 24, 1975); and *Interstate Brands Corporation*, 1 FEA Par. 20,744 (December 20, 1974)).

As discussed in the preceding section, as part of the analysis conducted by the FEA in considering an exception application based on a claim of serious hardship, an assessment is also made as to the extent to which any financial difficulties which the firm is experiencing are a direct result of the FEA regulatory program. See, e.g., *Texas Asphalt and Refining Company and Petroleum Industries, Inc.*, supra; and *Wallace and Wallace Chemical and Oil Company*, supra. In making a judgment concerning the effect of the FEA regulatory program on a firm the FEA has generally held that the financial posture of the firm's entire petroleum-related operations, including the operations of the applicant firm's parent and subsidiary companies, must be considered. See, e.g., *Placid Oil Company*, and *TAC Air Services, Inc.*, 3 FEA Par. 80,594 (March 3, 1976). When a determination is made that a firm is experiencing severe and inordinate financial difficulties as a result of the FEA regulatory program, appropriate exception relief has been granted to mitigate those problems which result directly from the FEA regulatory provisions. See, e.g., *Kerr-McGee Corporation*, 3 FEA Par. 83,179 (May 7, 1976); *Union Oil Company of California*, 3 FEA Par. 83,105 (February 20, 1976); and *New England Petroleum Corporation*, 2 FEA Par. 83,136 (May 2, 1976).

GROSS INEQUITY CRITERION

In evaluating requests for exception relief which are based upon a claim of gross inequity, the FEA has established a number of general standards that reflect a range of criteria which is considerably broader than that applied to claims of serious hardship. The FEA has found a gross inequity to exist, for example, where the application of a specific regulatory provision to a particular factual setting significantly frustrates the realization of a major national energy objective. In applying this standard, the FEA must frequently weigh competing policy objectives and seek to reconcile them by determining the optimal balance in the particular case.

This balancing process, which involves a consideration of the impact of the exception decision upon third parties as well as upon the applicant and other participants in the proceeding, reflects the intent of the Congress that the FEA exercise its discretion to achieve a desirable balance between the various objectives which are enumerated in the Emergency Petroleum Allocation Act of 1973, as amended.

See, e.g., *A & N Producing Services*, 3 FEA Par. 83,172 (April 26, 1976); *Union Oil Co. of Calif.*, 3 FEA Par. 83,105 (February 20, 1976); *Getty Oil Co.*, 2 FEA Par. 83,231 (August 4, 1975); *Whitco, Inc.*, 2 FEA Par. 83,170 (June 9, 1975); *Pasco, Inc.*, 2 FEA Par. 83,021 (January 20, 1975); and *Apco Oil Corp.*, 1 FEA Par. 20,750 (December 23, 1974). The FEA has also approved exception relief on grounds of gross inequity where a person

*All Decisions and Orders issued by the National FEA Office of Exceptions and Appeals are published in the Commerce Clearing House's Federal Energy Guidelines, and are also available to the public through the Public Docket Room of the Office of Private Grievances and Redress. The Docket Room is open from 1 p.m. to 5 p.m., Monday through Friday, and is located at Room B-120, 2000 M St., NW, Washington, D.C. 20461.

is adversely affected in a significant manner as a result of the application of a regulatory provision whose purpose has been seriously distorted by anomalous circumstances. See, e.g., Haney Oil Co., 2 FEA Par. 83,312 (October 3, 1975); Carlos R. Leffler, Inc., 2 FEA Par. 83,162 (May 30, 1975); and Tenneco Oil Co., 2 FEA Par. 83,108 (March 31, 1975). The FEA has emphasized that exception relief is not justified unless the anomalous situation is unusual with respect to the applicant, since issues concerning the general application of FEA regulations are properly determined in rulemaking proceedings. See, e.g., Marvin E. Boyer Oil Co., 4 FEA Par. 80,506 (July 23, 1976); Asiatic Petroleum Corp., 2 FEA Par. 83,247 (August 18, 1975); and Atlantic Richfield Co., 2 FEA Par. 83,131 (May 2, 1975).

UNFAIR DISTRIBUTION OF BURDENS CRITERION

In applying this criterion, the FEA has recognized that some burden is generally experienced by all firms as an unavoidable element of the regulatory process. See Crown Central Petroleum Corp., 2 FEA Par. 83,026 (January 28, 1975). Consequently, the FEA has held that the mere existence of a burden or obligation does not in and of itself constitute a sufficient basis for exception relief. See Atlantic Richfield Co., 2 FEA Par. 83,122 (April 17, 1975). However, exception relief has been approved where a showing is made by a firm that in addition to experiencing a greater adverse impact as a result of a regulatory provision as compared to other firms, the nature or extent of the adverse impact on the firm significantly impedes its operations (see Commonwealth Oil Ref. Co., Inc., 3 FEA Par. 83,178 (May 4, 1976)), frustrates one of the policy objectives set forth in Section 4(b)(1) of the EPAA (see Climax Molybdenum Co., 2 FEA Par. 83,157 (May 20, 1975)), or places it in a substantially different position from other similarly situated firms (see Class Exception: Retroactive Application of Subpart K, 2 FEA Par. 84,901 (August 29, 1975)).

STANDARDS

In the following sections, the FEA has set forth the standards which it has established for considering exception applications from various significant provisions of the FEA regulatory program. These standards should provide the public with a better understanding of the basis on which the FEA has provided exception relief from the various provisions of the FEA regulatory program and on which the FEA will continue to provide relief to applicants which are similarly affected by that program.

TERMINATION OF BASE PERIOD SUPPLIER/PURCHASER RELATIONSHIP BASED UPON A DETERIORATION OF THE BUSINESS RELATIONSHIP—SECTION 211.9.

A number of firms have requested exception relief from the base period supplier/purchaser relationship established in section 211.9 of the FEA Regulations. The FEA has assigned a new base period supplier to an applicant upon a finding that the business relationship between the base period supplier and the purchaser has deteriorated to such a significant extent subsequent to the base period that the purchaser's operations would be seriously affected unless a reassignment were made. In implementing that standard the FEA has stated that reassignments will be made where (i) a court of law has made a determination that a purchaser has been defrauded by its base period supplier, or (ii) a court of law has entered a judgment against the supplier which would lead to the conclusion that the relationship between the supplier and the base period purchaser has deteriorated to the point where the resumption or continuation of the supply relationship would significantly disrupt the purchaser's business operations. See Eagle Point School District No. 9, 2 FEA Par. 80,622 (July 1, 1975); Texaco Inc., 2 FEA Par. 80,701 (October 6, 1975) and Beukema's Petroleum Company, 4 FEA Par. 83,032 (August 6, 1976). The FEA has also granted exception relief from the provisions of section 211.9 on gross inequity grounds when the applicant has submitted uncontradicted evidence of fraud and the record in the administrative proceeding contains a persuasive showing that the purchaser is currently incurring actual damages as a result of the maintenance of its base period supplier/purchaser relationship. See George P. Rios, 4 FEA Par. 83,008 (July 15, 1976).

TERMINATION OF BASE PERIOD SUPPLIER/PURCHASER RELATIONSHIP BASED UPON SIGNIFICANT PRICE DISPARITY—SECTION 211.9

In a number of cases the FEA has approved exception relief from the base period supplier/purchaser relationship established in Section 211.9 of the FEA Regulations where a significant price disparity has existed between the cost of the product sold by the base period supplier and the purchaser involved was encountering serious financial difficulties as a result of the disparity. In the instances in which relief has been approved, a new supplier has been assigned to furnish an independent marketer with all or part of its base period use of an allocated petroleum product. See, e.g., Wagner Gas & Electric, 3 FEA Par. 83,031 (December 5, 1975); Greenville Automatic Gas Co., 2 FEA Par. 83,337 (October 24, 1975); Colonial Oil Co., 2 FEA Par. 83,201 (July 3, 1975); and Midway Gas, Inc., 2 FEA Par. 83,154 (May 16, 1975). In order to qualify for relief under this line of precedents, an independent marketer must generally establish that: (i) the price which it is required to pay its base period supplier is significantly higher than the prevailing market prices paid by its competitors; (ii) the firm has been unable to purchase sufficient quantities of surplus product to reduce its total cost of the petroleum product to a competitive level; and (iii) as a result of the high cost of purchasing the petroleum product from its base period supplier, the firm is experiencing serious financial and operating difficulties which threaten its continued existence as a viable independent marketer. Where a showing is made that these standards have been satisfied and that exception relief is therefore warranted, the method which is used to determine the specific level of relief to be approved depends upon the particular circumstances present in the case. For example, in Colonial Oil Co., supra, the applicant was continuing to rely on its base period supplier and as a result its financial position had deteriorated significantly below historical levels. In that case, the FEA used the following formula to determine the quantity of petroleum products which a new lower-priced supplier would be designated to furnish to enable the independent marketer to operate on a basis consistent with its historical performance:

Quantity to be supplied by new lower-priced supplier =

Historical Profitability—Profit in Most Recent Reporting Period

PRESENT COST DISPARITY PER GALLON

In cases where the applicant has not been relying on its base period supplier, the FEA has held that the use of the formula set forth in the Colonial Decision is not appro-

priate. See, e.g., Saveway Gas & Appliance, Inc., 3 FEA Par. 83,150 (March 31, 1976); and Greenville Automatic Gas Co., Inc., supra. Instead, the following formula is used to calculate the measure of exception relief which would be appropriate to restore the firm to a position in which it would be able to maintain its historical markup on total sales:

$(\text{Average competitive cost in the market area } X \text{ volume required from new, lower-priced supplier}) + (\text{base period supplier's price } X \text{ (base period use—volume required from new, lower-priced supplier)}) = (\text{firm's current selling price—historical markup on sales}) X \text{ (base period use)}$

ADJUSTMENTS TO BASE PERIOD USE OF PETROLEUM PRODUCTS FOR WHOLESALE PURCHASERS—SECTION 211.12

A number of wholesale purchaser-resellers and wholesale purchaser-consumers have requested exception relief from the provisions of Section 211.12 of the FEA Regulations so as to increase their base period use of petroleum products. The FEA has generally granted exception relief where the applicant demonstrates that: (i) the firm has experienced an increased demand for the petroleum product as a result of a significant change in circumstances under which the product is supplied or used; (ii) the continued inability to obtain additional petroleum product would significantly frustrate one or more of the policy objectives set forth in Section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, as amended (EPAA); and (iii) the firm has been unable or will be unable to purchase surplus product or, alternatively, the applicant has shown that even though it can purchase surplus product, a gross disparity exists between the quantity of petroleum product which the wholesale purchaser is actually using and its adjusted base period use. See Climax Molybdenum Company, 2 FEA Par. 83,157 (May 20, 1975). See also Willmar Air Service, Inc., 3 FEA Par. 83,120 (February 27, 1976); Husker Aviation, Inc., 3 FEA Par. 83,081 (January 22, 1976); Fort Dodge Aviation, Inc., 2 FEA Par. 83,346 (October 31, 1975); and Bowen Service Station; Winniehoff Motors, Inc., 2 FEA Par. 83,058 (March 13, 1975). These criteria reflect the directive of the Congress set forth in the EPAA that the FEA ensure that adequate supplies of petroleum products are available to all purchasers through the FEA allocation program, and that an adjustment to a firm's base period use of petroleum products should be granted only if a firm's ultimate purchasers of petroleum products cannot otherwise be served. In particular, in considering applications which seek an increase in a firm's allocation of propane, the FEA has noted that propane supplies are very limited. In order to preserve existing inventories of propane and to protect historic users during a period of time in which escalating demand has substantially outstripped the available supply, the FEA has granted exception relief increasing a firm's base period use of propane only where the applicant has demonstrated that the application of the allocation regulations will significantly and uniquely impede the firm's operations. See Clark Equipment Company, 4 FEA Par. — (October 29, 1976); and Olin Corporation, 3 FEA Par. 83,006 (November 14, 1975).

THE SUPPLIER SUBSTITUTION RULE—SECTION 211.25

The provisions of Section 211.25 of the FEA Regulations generally permit a base period supplier of a petroleum product to designate a substitute base period supplier for a particular purchaser or group of purchasers. The FEA has approved exception relief from the

supplier substitution rule set forth in Section 211.25 where a purchaser demonstrates that: (i) the price which it is currently required to pay for the petroleum product which it purchases from the substitute supplier is significantly higher than the maximum permissible price, which its base period supplier could charge and the prices which its principal competitors pay their suppliers; (ii) as a result of this price disparity, the purchaser has been unable to maintain its historic position in the marketplace; and (iii) as a consequence of this situation, the firm is incurring serious financial and operating difficulties. See *Whitco, Inc.*, 2 FEA Par. 83,170 (June 9, 1975); and *Mid-Michigan Truck Service, Inc.*, 3 FEA Par. 83,100 (February 13, 1976); and compare *Schaub Oil Company*, 3 FEA Par. 83,202 (May 28, 1976).

THE ALLOCATION OF CRUDE OIL— SECTION 211.53

Section 211.63 of the FEA Regulations generally requires that all supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on December 1, 1973 or January 1, 1976, shall remain in effect for the duration of the Mandatory Petroleum Allocation Program unless those relationships are terminated in accordance with the provisions of Section 211.63. In past cases, the FEA has approved exception relief from the application of the provisions of Section 211.63 to small refiners with new or expanded refinery capacity in order to alleviate a gross inequity which would otherwise result. See *Louisiana Land and Exploration Company*, 2 FEA Par. 83,339 (October 22, 1975), and the cases cited therein. In each case in which exception relief has been granted, the FEA determined that: (i) the firm planned and began constructing a new refining facility prior to the implementation of the FEA Mandatory Petroleum Allocation Program; (ii) the firm's investment was made in justifiable reliance on the assumption that it would be able to use particular crude oil which it controlled at the time as a feedstock for the new refinery; (iii) despite reasonable efforts by the firm, it has not been able to secure an acceptable alternative supply of crude oil for the refinery; (iv) in the absence of exception relief, the firm would lack a sufficient and reliable source of crude oil for the refinery; and (v) as a consequence, the firm's refining operation and its investment could be seriously jeopardized in the foreseeable future. Where these criteria have been satisfied, the FEA has taken account of the substantial capital investment made by the firm involved and the national objective of encouraging the development of expanded domestic refining capacity and preserving the economic viability of small and independent refiners. Exception relief has therefore been approved which permits the firm to obtain access to crude oil which it did not receive under contract on December 1, 1973. The FEA has, however, denied exception relief to firms which acquired an interest in a refinery subsequent to the implementation of the FEA Mandatory Petroleum Allocation Program. See *Placid Oil Company*, 3 FEA Par. 83,158 (April 9, 1976), and the cases cited therein.

ENTITLEMENTS PROGRAM—SECTION 211.67

A number of small and independent refiners have submitted requests for exceptions from the provisions of the FEA Old Oil Entitlements Program. Section 211.67 of the FEA Regulations is designed to remedy the economic distortion created by an unequal distribution of low cost domestic crude oil among refiners. The program requires refiners whose access to old crude oil exceeds the adjusted national old oil supply ratio to purchase entitlements. On the other hand,

firms whose access to old oil is less than the adjusted national old oil supply ratio are permitted to sell entitlements. For a detailed description of the Entitlements Program, see *Beacon Oil Company*, 3 FEA Par. 83,203 (June 8, 1976). In *Delta Refining Co.*, 2 FEA Par. 83,275 (September 11, 1975), the FEA specified the standards which it would apply in evaluating applications by small refiners for exception relief from their entitlement purchase obligations. As set forth in the *Delta Decision*, the FEA will generally grant exception relief to small refiners required to purchase entitlements so as to alleviate the adverse impact of the Entitlements Program which would otherwise prevent a firm from achieving the lesser of its historical profit margin or return on invested capital. See also *Beacon Oil Company*, *Supra*. The FEA has also granted exception relief to a refiner to alleviate a gross inequity which would otherwise result in a situation in which a refiner is unable to sell its authorized number of entitlements in one month but must nevertheless buy entitlements in a subsequent month. See, e.g., *Thunderbird Resources, Inc.*, 2 FEA Par. 83,295 (September 17, 1975). In addition, the FEA has provided exception relief to a firm upon a showing that the Entitlements Program has undermined the firm's competitive position to such an extent that it is experiencing serious financial difficulties. See, e.g., *Commonwealth Oil Refining Company, Inc.*, 3 FEA Par. 83,178 (May 4, 1976); and *New England Petroleum Corp.*, 2 FEA Par. 83,136 (May 2, 1975).

INCREASED USE OF PROPANE BY GAS UTILITIES FOR PEAK SHAVING—SECTION 211.83(c) (2) (v)

The FEA has considered a number of requests from natural gas utilities for exception relief from the provisions of 10 CFR 211.83(c) (2) (v). The exception is requested in order to permit the utility to purchase and use propane for peak shaving in excess of the firm's base period use. Peak shaving is defined in the FEA Mandatory Petroleum Allocation Regulations as "the use of propane and butane mixtures to supplement supplies of pipeline gas for distribution by gas utilities during periods of high demand." 10 CFR 211.51. Under FEA Regulations, the volume of propane which a gas utility may use for peak shaving is limited to "that volume which a gas utility contracted for or purchased for delivery during the period April 1, 1972 through March 31, 1973 [the base period] regardless of whether that volume was used during the period." 10 CFR 211.83(c) (2) (v). In addition, the FEA Regulations prohibit a utility from purchasing or accepting quantities of propane which would cause its inventory to exceed 120 percent of the volume which the utility is permitted to use under 10 CFR 211.83. See 10 CFR 211.86(3) (b). These regulatory provisions reflect the FEA's firm policy of restricting to base period levels the use of propane, a refined petroleum product in limited supply. In the *Decisions* which it has issued the FEA has stated that it would generally approve exception relief from the provisions of Section 211.83(c) (v) based on the existence of a gross inequity where a gas utility demonstrates that: (i) its customers or the economy of its service area will be adversely affected in a disproportionate manner in the absence of exception relief; (ii) the curtailment of natural gas which the firm is likely to experience is more extensive than that of most other natural gas utilities; and (iii) the firm has pursued without success all other reasonable means through which it might obtain relief from any difficulties which it is experiencing.

See, e.g., *City of Huntsville Gas System*, 3 FEA Par. 83,073 (January 16, 1976); *City of Union Utility Department*, 3 FEA Par. 83,074 (January 15, 1976); *Great River Gas Co.*,

2 FEA Par. 83,630 (July 7, 1975); *Union Electric Co.*, 2 FEA Par. 83,189 (June 10, 1975); *Kokomo Gas and Fuel Co.*, 2 FEA Par. 83,166 (June 6, 1975); and *Dayton Power and Light Co.*, 2 FEA Par. 83,165 (June 2, 1975). Although the FEA has held that it will not grant exception relief on the basis of speculative concern as to the severity of a prospective coming winter season (see *Westfield Gas Corp.*, 2 FEA Par. 83,273 (August 29, 1975)), the FEA has also stated that it will process in an expeditious manner applications submitted by natural gas utilities which make a showing that the area which they serve is in fact experiencing an unusually severe winter and that, as a consequence, their customers are being adversely affected in a disproportionate manner by natural gas curtailments. See *Citizen Gas and Coke Utility*, 2 FEA Par. 89,636 (October 7, 1975).

PRICE RELIEF ON THE BASIS OF UNREPRESENTATIVE PRICES ON A REFERENCE DATE IN THE PAST WHICH IS USED TO GOVERN FUTURE CONDUCT—PART 212

The FEA Price Regulations establish maximum permissible prices which a firm may charge for particular petroleum products based, in large part, upon the prices which the firm charged for the products on a specific base date in the past. The FEA has generally granted exception relief permitting refiners and resellers to increase their prices above the maximum permissible levels based on a finding of gross inequity where a firm demonstrates that: (i) unusual or anomalous events have occurred with respect to the firm during the base period; (ii) those conditions seriously distort the intended use of the base period for measurement purposes as a relatively normal and customary period of business activity; and (iii) the distortion that resulted adversely affects the firm in a significant manner. See, e.g., *Union Oil Company of California*, 3 FEA Par. 83,155 (April 2, 1976); *Haney Oil Company*, 2 FEA Par. 83,312 (October 3, 1975); *Taylor Butane Company, Inc.*, 1 FEA Par. 20,726 (December 6, 1974); *Kerr-McGee Corporation*, 1 FEA Par. 20,658 (September 12, 1974); and *Tri-Gas Service, Inc.*, 1 FEA Par. 20,624 (July 2, 1974). In addition to satisfying the criteria described above, a refiner seeking exception relief of this nature must also demonstrate that the unusually low price which it charged for the petroleum product on the reference date is not offset by an unusually high price for another product which it refines and sells. See *Union Oil Company of California*, *supra*.

PRICE EXCEPTIONS FOR CRUDE OIL PRODUCERS— PART 212, SUBPART D

The FEA has approved exception relief from the price rules applicable to producers of crude oil on a finding of gross inequity where these regulations result in a significant economic disincentive to the continuation of an ongoing production operation. In order to meet this standard, a persuasive showing must be made that:

(i) A firm has little economic incentive to continue to produce crude oil if it is required to sell its products at the lower tier ceiling price levels;

(ii) There is little possibility that the crude oil in the field could be recovered except through the continuation of the firm's operation; and

(iii) The wells involved are already part of a continuous extraction operation.

See, e.g., *West Oil Co.*, 3 FEA Par. 83,184 (May 7, 1976); *William H. Player & Associates*, 3 FEA Par. 83,161 (April 9, 1976); and *Great Southern Oil & Gas Co.*, 3 FEA Par. 83,124 (March 9, 1976). In determining whether or not an economic incentive to continue to produce crude oil exists, a com-

parison is generally made of the net revenues generated by the extraction operation for the benefit of the applicant with the cash operating expenses which are incurred.

The FEA has also approved exception relief on gross inequity grounds in a number of cases in which it found that the crude oil pricing regulations seriously impeded a firm from undertaking a capital investment project which would result in the production of a significant quantity of crude oil that would otherwise not be recovered. See Central Light Unit, 4 FEA Par. (October 8, 1976); General Crude Oil Co., 4 FEA Par. 83,104 (September 21, 1976); Austral Oil Co., 4 FEA Par. 83,004 (July 15, 1976); Rickelson Oil & Gas Co., 3 FEA Par. 83,217 (June 7, 1976); and A & N Producing Services, Inc., 3 FEA Par. 83,172 (April 26, 1976). In those decisions the FEA determined that:

(i) if the capital investment were not made, substantial quantities of crude oil would not be recovered;

(ii) under current FEA Regulations the crude oil produced as a result of the investment would be sold at lower tier ceiling prices; and

(iii) the particular investment would be uneconomic if the crude oil produced were sold at lower tier ceiling prices.

In determining the specific nature of the exception relief approved in these cases, the following fundamental principles have been applied:

(i) the exception relief granted should permit the firm to reasonably make the capital investment necessary to produce the crude oil which would otherwise be unrecovered; and

(ii) the relief granted should not provide the firm with windfall profits.

In addition, the FEA has granted exception relief in certain cases which eliminates a firm's current cumulative crude oil deficiency. The FEA has provided this relief based on a finding of gross inequity where a firm demonstrates that the cumulative deficiency provisions became operative because:

(i) unusual or anomalous events occurred with respect to the firm during the base period;

(ii) those conditions seriously distort the intended use of the base period for measurement purposes as a relatively normal and customary period of business activity; and

(iii) the distortion that results adversely affects the firm in a significant manner. See, e.g., Tenneco Oil Co., 2 FEA Par. 83,108 (March 31, 1975).

RESALE OF CRUDE OIL—SECTION 212.93(b)

Resellers and retailers of covered petroleum products are generally required to base their selling prices for these products on prices which prevailed on May 15, 1973, subject to certain adjustments. One adjustment is set forth in Section 212.93(b) of the FEA Regulations, permitting certain resellers and retailers to increase their selling prices to reflect a portion of the non-product cost increases incurred since May 15, 1973. Resellers of crude oil, however, do not qualify for this adjustment under the existing FEA Regulations. In Marvin E. Boyer Co., Inc., 3 FEA Par. 83,088 (January 30, 1976), the FEA established the standards which it would apply in evaluating an application by a crude oil reseller for exception relief permitting it to recover the non-product costs which it has incurred. As set forth in that Decision, exception relief will be granted based on a finding that a gross inequity exists if an independent marketer of crude oil is experiencing an economic disincentive to continue its reselling operations as a result of the provisions of Section 212.93. The FEA determined that a crude oil reseller is entitled to

special protection under Section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, as amended. The FEA also found that the extent to which a reseller of crude oil is permitted to reflect its non-product cost increases in its selling prices pursuant to the provisions of the FEA Regulations differs significantly from the extent to which refiners are permitted to recover their non-product costs.

NON-PRODUCT COST PASSTHROUGH ON AVIATION FUEL—PART 212, SUBPART F

The FEA has considered a number of exception applications submitted by Fixed Base Operators requesting exception relief from the provisions of Part 212, Subpart F of the FEA Mandatory Petroleum Price Regulations. Subpart F of the FEA Price Regulations generally provides that a reseller or retailer of petroleum products may not charge a price for any covered product which exceeds the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus an amount which reflects, on a dollar-for-dollar basis, increased costs of the item. The FEA Regulations also provide that a Fixed Base Operator selling aviation fuel in a retail operation may reflect certain increased non-product expenses in its selling prices. Section 212.93(b)(2)(i)(B) provides that, as of December 1975, a Fixed Base Operator may charge three cents per gallon in excess of the amount otherwise permitted to reflect increases in non-product costs incurred after May 15, 1973. In considering requests for exceptions to increase prices to reflect larger non-product cost increases, the FEA has determined that exception relief is appropriate if the Fixed Base Operator can demonstrate that the non-product costs incurred which are not subject to the control of the operator have increased substantially more than the three cents per gallon permitted to be passed through in Section 212.93(b)(2)(i)(B). In order to receive exception relief, the Fixed Base Operator must also establish that the absorption of the increased non-product costs would cause the firm to experience serious financial difficulties. See, e.g., Butler Aviation International Inc., 3 FEA Par. 83,044 (December 15, 1975); Midcoast Aviation Services, Inc., 2 FEA Par. 83,249 (August 23, 1975); International Aviation Industries, Inc., 2 FEA Par. 80,562 (March 26, 1975); and Butler Aviation International, Inc., 1 FEA Par. 20,685 (October 25, 1974). The FEA has also provided exception relief to Fixed Base Operators to alleviate a gross inequity resulting from the application of Part 212, Subpart F, in cases in which a firm's May 15, 1973 mark-up for aviation fuel was significantly less than the average mark-up of comparable sellers in the same marketing area. The FEA found that the use of the May 15, 1973 date seriously distorts the intended use of that date as a relatively normal period of measurement for business activity, thereby causing the firm to incur significant financial difficulties which warrant exception relief. See Holland Flight Service, 3 FEA Par. 80,525 (December 8, 1975).

NON-PRODUCT COST PASSTHROUGH IN SALES OF NATURAL GAS LIQUID PRODUCTS—PART 212, SUBPART K

The FEA has considered a number of exception applications submitted by gas plant owners and gas plant operators from the provisions of Subpart K of the FEA Mandatory Petroleum Price Regulations. Subpart K of the Regulations generally provides that the maximum allowable price for natural gas liquids and natural gas liquid products sold to a class of purchaser is the weighted average price at which each product was lawfully

priced to that class on May 15, 1973 or the adjusted first sale price set forth in Section 212.164. In addition, the provisions of Subpart K generally provide that a natural gas plant operator may increase the price of natural gas liquids and natural gas liquid products on a dollar-for-dollar basis to reflect (i) increased non-product costs attributable to the production of natural gas liquids and natural gas liquid products incurred since May 15, 1973, up to an amount which is not in excess of the \$.005 per gallon passthrough permitted under Section 212.165; (ii) increased product costs, including the increased cost of natural gas shrinkage between the month of May 1973 and the current month; and (iii) increased product costs not recovered in previous months. The FEA has determined that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has incurred since May 1973 at its gas processing plant have increased substantially in excess of the passthrough permitted under the provisions of Section 212.165. See, e.g., Sun Oil Co., 3 FEA Par. 83,102 (February 13, 1976); Farmland Industries, Inc., 3 FEA Par. 83,080 (January 23, 1976); Shell Oil Co., 3 FEA Par. 83,049 (December 15, 1975); Beacon Gasoline Co., 2 FEA Par. 80,708 (October 21, 1975); McCulloch Gas Processing Corp., 2 FEA Par. 80,693 (September 30, 1975); and Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975). As set forth in the Farmland Decision, the FEA has determined that for purposes of its exception analysis the measurement of non-product cost increases for natural gas processors will be based only on actual cash expense items and that depreciation will be excluded from the expense items considered since it does not represent an actual out-of-pocket cost. The FEA has also granted exception relief to refiners to alleviate a similar gross inequity which would otherwise result from the application of the provisions of 10 CFR, Part 212, Subpart K.

FILING OF FORMS

In order to fulfill its obligations under the Emergency Petroleum Allocation Act of 1973, the Federal Energy Administration Act of 1974, the Energy Policy and Conservation Act of 1975, and the Energy Conservation and Production Act of 1976, the Federal Energy Administration requires that firms which are subject to its jurisdiction submit data on a variety of subjects. A number of firms have sought exception relief which would exempt them from filing particular forms. These requests have been denied where the firm failed to show that it was unable to compile the required information, that the preparation of the form in question would result in a serious financial hardship to the firm or significantly disrupt the firm's operations, or that the burden to the firm in filing the form was significantly different from that encountered by similar firms. See, e.g., Hunt Oil Company, 3 FEA Par. 83,041 (December 12, 1975), and Gomeg Oil Company, 1 FEA Par. 20,668 (September 12, 1974). In T.W. Phillips Oil and Gas Company, 3 FEA Par. 80,663 (July 1, 1976), however, the FEA relieved the firm of its obligation to submit the Underground Gas Storage Report form. The FEA held that Phillips was uniquely affected by the FEA's filing requirements would significantly impede the firm's operations, and that the firm would encounter a considerable burden in making the modifications in its system necessary to develop the data required by the form. On the basis of these findings, the FEA held that Phillips was adversely affected by the FEA regulatory requirements in such a disproportionate manner as to warrant the approval of exception relief.

REFINERY ACQUISITIONS

A number of refiners have filed exception applications with the FEA Office of Exceptions and Appeals requesting administrative relief in order to facilitate the acquisition of a refinery. Exception relief is often required under these circumstances because the Mandatory Petroleum Allocation and Price Regulations are not specifically designed to apply to the unusual conditions arising from the purchase and sale of a refinery. Although the particular relief granted in each case depends upon the analysis of the complex allocation and pricing relationships between the refinery being acquired and the other refinery operations owned by either the purchaser or the seller, the FEA has generally granted relief which: (i) permits the purchaser to determine its maximum allowable prices by reference to the acquired refinery's allocated May 15, 1973 prices and May 1973 product and non-product costs (see Atlantic Richfield Co.; C F Petroleum Co., 3 FEA Par. 83,177 (May 14, 1976); Russel B. Newton, 3 FEA Par. 83,138 (March 23, 1976)); (ii) permits the purchaser to utilize the acquired refinery's allocated-product and non-product cost "banks" (see Russel B. Newton, *supra*); (iii) reassigns base period purchasers and suppliers to the new operator of the refinery (see Asamera Oil (U.S.) Inc., 3 FEA Par. 83,205 (May 25, 1976)); (iv) permits the sale of covered product inventories to the purchaser without first including such products in the allocable supply of the refinery seller (see Asamera Oil (U.S.) Inc., *supra*); (v) permits the purchaser to include in the calculation of its cost of purchased crude oil the cost of crude oil inventories purchased and the cost of crude oil refined into refined products inventories purchased and to include in the calculation of increased non-product costs the cost of purchasing inventories of refined petroleum products in excess of the cost of the crude oil used in producing those products (see The Oil Shale Corp.; Phillips Petroleum Co., 3 FEA Par. 83,139 (March 23, 1976)); and (vi) adjusts the obligations and benefits of the purchaser and the seller under the Crude Oil Allocation Program and the Old Oil Entitlements Program (see Atlantic Richfield Co.; C F Petroleum Inc., *supra*).

OIL IMPORT CASES—PART 213

On June 3, 1976, the Federal Energy Administration amended the criteria under which exception relief will be granted from the generally applicable requirements of Part 213 (Oil Imports). See 41 Fed. Reg. 22341 (June 3, 1976). Part 213 generally deals with license fees paid on the importation into the United States of crude oil and other unfinished and finished petroleum products. The FEA now considers requests for exception from Part 213 on the basis of the gross inequity and serious hardship criteria developed under the FEA's generally developed case law. On June 3, 1976, the FEA also issued Guidelines with respect to the issues that arise in Part 213 cases. Although the Guidelines are not controlling, they are given careful scrutiny when a firm requests an exception from the license fee provisions of Part 213 on the grounds of "exceptional hardship." According to the Guidelines, the following issues are given particular consideration in the analysis of exception refunds:

(1) Whether payment of the fee (or other action required under Part 213) would lead to a result unintended by Proclamation No. 3279, as amended, or would impede important national energy policy objectives, including the furtherance of competition at any level of distribution in the petroleum industry and the encouragement of market entry;

(2) Whether payment of the fee (or other action required under Part 213) would so affect the operations of the firm applying for exception relief as to cause a significant reduction in service or threaten interruptions in service to present customers;

(3) Whether payment of the fee would adversely affect the firm applying for exception relief in a manner which threatens its financial viability in terms of its profitability, liquidity, or the stability of its operations, would place the firm at a significant competitive disadvantage in a market in which the firm operates, or would otherwise significantly reduce competition;

(4) Whether the firm applying for exception relief is likely to incur a significant deterioration in its current operating posture in contrast with historic levels as a result of its inability due to competitive conditions to increase its prices to reflect import license fees; and

(5) Whether the firm makes a convincing showing that adequate domestic supplies of suitable product at competitive prices are not available. 41 Fed. Reg. at 22343.

CLASS EXCEPTIONS

Several requests for class exception relief have also been filed with the FEA Office of Exceptions and Appeals. See, e.g., Class Exception—Retroactive Application of the Separate Inventories Amendment, 4 FEA Par. (September 24, 1976); National LP-Gas Association, 3 FEA Par. 83,047 (December 15, 1975); Class Exception—Retroactive Application of Subpart K, 2 FEA Par. 84,901 (August 29, 1975); County of San Diego, 1 FEA Par. 20,667 (September 17, 1974); and Small Business Administration, 1 FEA Par. 21,102 (May 10, 1974). In reviewing applications for class exception relief, the FEA has first considered whether the applicant represents a separate and distinct class of firms which, in the absence of exception relief, would experience burdens different from those experienced by other firms subject to the same regulatory provisions. See, e.g., Class Exception—Retroactive Application of the Separate Inventories Amendment (Supplemental Order), 4 FEA Par. (November 4, 1976); and County of San Diego, *supra*. In determining whether this standard has been satisfied for purposes of the administrative class action proceeding, the FEA has considered a number of factors, including various judicial decisions and Rule No. 23 of the Federal Rules of Civil Procedure. FRCP Rule No. 23 provides that a class action may be maintained:

If (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class.

See Class Exception—Retroactive Applications of the Separate Inventories Amendment, *supra*. If the FEA concludes that a class has been properly formed, an evidentiary showing must then be made in accordance with applicable FEA precedents that the members of the class will be subject to a serious hardship or a gross inequity unless exception relief is granted. See, e.g., Class Exception—Retroactive Application of the Separate Inventories Amendment (Supplemental Order), *supra*; and National LP-Gas Association, *supra*, and the cases cited therein.

REQUESTS FOR STAYS

Section 205.125(b) of the FEA Procedural Regulations sets forth the criteria which the FEA is to use in considering requests for a

stay. 10 CFR 205.125(b). These criteria include:

(1) A showing that irreparable injury will result in the event that the stay is denied;

(2) A showing that denial of the stay will result in a more immediate serious hardship or gross inequity to the applicant than to the other persons affected by the proceeding;

(3) A showing that it would be desirable for public policy or other reasons to preserve the status quo ante pending a decision on the merits of the appeal or exception;

(4) A showing that it is impossible for the applicant to fulfill the requirements of the original order; and

(5) A showing that there is a likelihood of success on the merits. 10 CFR 205.125(b); 33 Fed. Reg. 35472 (October 1, 1974).

In applying these criteria, the FEA has developed a particular standard with respect to requests that the FEA stay provisions of a Remedial Order which direct a firm to make refunds for violations of the FEA Mandatory Petroleum Price Regulations. The FEA has generally stayed the refund requirements of a Remedial Order where the stay applicant shows that:

(1) The firm has raised substantial issues concerning the propriety of the Remedial Order or the firm's eligibility for exception relief; and

(2) In the absence of a stay the firm is likely to incur an irreparable injury if it is successful on the merits of its Appeal or Application for Exception. See, e.g., Varibus Corp., 4 FEA Par. (October 28, 1976); Cities Service Co., 4 FEA Par. (October 12, 1976); and General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976). The FEA indicated in these decisions that irreparable injury would result where a firm which was successful in its Appeal would encounter an inordinate degree of difficulty in recovering the funds which it may have remitted pursuant to the Remedial Order.

In those cases where the FEA has stayed the refund provisions of a Remedial Order, the FEA has generally conditioned the stay upon the establishment of an escrow account in which the disputed funds are deposited. The escrow account is required except where the applicant demonstrates a very substantial probability of success on the merits or that it will incur a serious financial hardship if it is required to establish the escrow account. See Varibus Corp., *supra*; Cities Service Co., *supra*; and General Crude Oil Co., *supra*.

RETROACTIVE EXCEPTION RELIEF

In these applications, firms usually request a reduction in their outstanding obligations or an increase in their rights which accrued during a prior period. In addition, submissions are received in which an increase in future rights or reduction in future obligations is requested for the purpose of remedying a gross inequity or serious hardship which was experienced during a prior period. These types of applications are considered requests for retroactive exception relief. In evaluating these requests, the FEA has consistently held that retroactive exception relief will be granted only if an applicant, in addition to satisfying the criteria applicable to all exception requests, shows compelling reasons why retroactive exception relief is warranted or that it would experience an irreparable and severe injury in the absence of retroactive exception relief. See, e.g., Marvin E. Boyer Oil Co., 4 FEA Par. 80,506 (July 23, 1976); Butler Aviation Int'l, Inc., 3 FEA Par. 80,584 (February 24, 1976); and Fletcher Oil & Refining Co., 2 FEA Par. 80,623 (June 30, 1975). One of the principal policy considerations underlying the FEA's

GULF OIL CORP.

Issuance of Order Changing Method of Supplying Wholesale Purchasers

The Federal Energy Administration (FEA) hereby gives notice that on November 5, 1976, FEA issued a Decision and Order to Gulf Oil Corporation (Gulf), Houston, Texas, terminating Gulf's supplier/purchaser relationships established under 10 CFR 211.9 with wholesale purchasers of motor gasoline in Gulf's Northern California, Northern Nevada, Washington, and Oregon marketing area (herein referred to as the "affected marketing area").

FEA issued the November 5, 1976 Decision and Order pursuant to 10 CFR 205.90 et seq. and 211.14(d).

Gulf's application was filed under 10 CFR 211.14(d), and was based on Gulf's intention to withdraw totally from the affected marketing area following the closing and sale of its Hercules, California, refinery. The Decision and Order covers Gulf wholesale purchasers whose base period volumes of motor gasoline total approximately 19,000 barrels per day (b/d), consisting of approximately 14,750 b/d for nonbranded independent marketers, 4,100 b/d for Gulf retail sales outlets (of which approximately 2,200 b/d is for dealer operated stations and 1,900 b/d is for company operated stations) and less than 100 b/d for wholesale purchaser consumers. The Decision and Order terminates Gulf's supplier/purchaser relationships with all of its motor gasoline wholesale purchasers in the affected marketing area, including its retail sales outlets, effective December 1, 1976, where the wholesale purchaser is able to locate a suitable willing supplier by that date, and effective January 1, 1977, in all other cases. The delayed effective date is to allow wholesale purchasers an opportunity to coordinate their efforts to find suppliers with the appropriate FEA Regional Office. In issuing the Decision and Order, FEA noted that Gulf had indicated that it would give consideration to the sale of its retail sales outlet to the dealers who operated them. In addition, FEA did not relieve Gulf from private contractual obligations to the extent that such obligations are not inconsistent with the terms of the Decision and Order and the Mandatory Petroleum Allocation Regulations.

Copies of the November 5, 1976 Decision and Order and a file containing all information and data filed in conjunction with Gulf's application, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 U.S.C. 552, are available for public inspection and copying at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., at the FEA's Regional Offices at 111 Pine Street, San Francisco, California, and 915 Second Avenue, Seattle, Washington, between the hours of 8 a.m. and 4:30 p.m., e.s.t. and p.s.t., respectively, Monday through Friday, except Federal holidays.

In accordance with the provisions of 10 CFR Part 205, an aggrieved party may file an appeal of the Decision and Order with the Federal Energy Administration. The provisions of 10 CFR Part 205, Subpart H, set forth the procedures and criteria which govern the filing and determination of any such appeal. For purposes of these regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

DAVID G. WILSON,
Acting General Counsel.

NOVEMBER 12, 1976.

[FR Doc.76-33989 Filed 11-15-76; 10:39 am]

FEDERAL MARITIME COMMISSION

ASSOCIATED LATIN AMERICAN FREIGHT CONFERENCES COOPERATIVE WORKING AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 29, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Wade S. Hooker, Jr., Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

Agreement No. 9876-2 modifies the joint cooperative working agreement among the ten Latin American Freight Conferences operating in the trades between the United States and Latin Amer-

stringent position concerning retroactive exceptions is the danger that retroactive exceptions, by tending to ratify violations of the FEA Regulations, may diminish the incentive which firms in the petroleum industry have to learn the applicable law and even encourage noncompliance with the law, thereby frustrating the effectuation of important statutory objectives. The FEA's position also reflects a concern that third parties who have acted in reliance upon apparently fixed rights might be injured by the approval of retroactive relief, and that there may be a disruptive impact upon the economy if market transactions which have already occurred and established business relationships are disturbed.

In the context of considering a request for retroactive relief, the FEA has construed severe and irreparable injury to signify such a severe financial hardship so as to preclude the firm from continuing its essential operations. See e.g., Butler Aviation Int'l, Inc., supra; and C & H Refinery, Inc., 3 FEA Par. 80,532 (December 15, 1975). Compelling reasons warranting the approval of exception relief retroactive to the date on which an exception application was filed have been found to exist where undue administrative delay in processing the application has exacerbated a gross inequity or serious hardship experienced by the firm. See Skelly Oil Co., 2 FEA Par. 80,644 (July 17, 1975); Northwest Pipeline Corp., 2 FEA Par. 80,554 (March 20, 1975); Tri-Gas Service, Inc., 1 FEA Par. 20,169 (October 25, 1974); and Greenwich Oil Co., 1 FEA Par. 20,149 (September 19, 1974). Similarly, the FEA has held that a particularly strong showing of justifiable detrimental reliance upon FEA action may furnish compelling reasons for granting retroactive exception relief. Austral Oil Co., 3 FEA Par. 83,122 (March 8, 1976).

It should be noted that retroactive exception relief has generally been denied to firms which have failed to seek relief in a timely and prudent manner. See, e.g., Butler Aviation Int'l, Inc., supra.

CONCLUSION

The exceptions process is continually evolving. The standards set forth in the preceding sections reflect the application of the serious hardship and gross inequity criteria to specific factual situations over a period of time. Through the method of case-by-case determination, the FEA has attempted to balance the intended goals of the particular regulations from which relief is sought, the need for regulatory uniformity, the specific policy goals of the agency, the current and projected condition of the particular markets affected by the individual application, and the impact of the agency's action on the applicant, other members of the petroleum industry and consumers. The conditions under which exception relief will be approved as described in the preceding sections are the result of this balancing process and provide a framework under which future exception applications will be evaluated. It must be emphasized, however, that each exception application is considered individually, on the basis of the particular factual circumstances presented in the case, and no two cases present the identical factual situation. To the extent that future exception applications differ from the cases which have already been considered, new criteria will be developed to accommodate the new circumstances. These criteria will be set forth in future decisions of the FEA which will then serve as precedent for the consideration of subsequent applications.

[FR Doc.76-34065 Filed 11-15-76; 3:52 pm]

ica to provide ALAFC with the ability as a single party to enter into any agreement, understanding or arrangement with any carrier, conference, other association of conferences or other person.

Dated: November 15, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-34006 Filed 11-17-76;8:45 am]

DELTA STEAMSHIP LINES, INC. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 8, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Fred A. Wendt, Senior Vice President, Traffic and Sales, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, Louisiana 70150.

Agreement No. 9848-4, by and among Delta Steamship Lines, Inc., Companhia de Navegacao Lloyd Brasileiro and Companhia de Navegacao Maritima Nacional, modifies the basic pooling, sailing and equal access agreement by admitting Companhia de Navegacao Maritima Nacional as a participant in the pool. Said participation will be as a joint member with Companhia de Navegacao Lloyd Brasileiro, and together, they will be considered as a single party to the agreement.

By Order of the Federal Maritime Commission.

Dated: November 15, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-34005 Filed 11-17-76;8:45 am]

MOORE-McCORMACK LINES, INC. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 8, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. John D. Straton, Jr., Director-Rates & Conferences, Moore-McCormack Lines, Incorporated, Two Broadway, New York, New York 10004.

Agreement No. 9847-3, among Moore-McCormack Lines, Incorporated, Companhia de Navegacao Lloyd Brasileiro and Companhia de Navegacao Maritima Netumar, modifies the basic pooling, sailing and equal access to government-controlled cargo agreement by providing (1) for the Brazilian lines to operate as a single party to the agreement; (2) for separate accounting for container cargo and break-bulk cargo; (3) that the parties may increase or decrease their minimum number of sailings by mutual agreement upon notice to the Commission; and (4) for the establishment of a Pool Committee to deal with all matters relating to the operation of the agreement.

The parties have also requested that the agreement, as amended above, be approved as of January 1, 1977, and be continued through December 31, 1980.

Dated: November 12, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-34007 Filed 11-17-76;8:45 am]

REDERIAKTIEBOLAGET NORDSTJERNAN (JOHNSON LINE) AND K/S NOSAC A/S & CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 8, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Wade S. Hooker, Jr., Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

Agreement No. 10141-1, between the above-named parties, amends the basic agreement of the cooperative working arrangement to extend its authority for an additional twelve-month period through December 31, 1977.

By Order of the Federal Maritime Commission.

Dated: November 12, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-34008 Filed 11-17-76;8:45 am]

SECURITY FOR THE PROTECTION OF THE PUBLIC; INDEMNIFICATION OF PASSENGERS FOR NONPERFORMANCE OF TRANSPORTATION

Issuance of Certificate [Performance]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

KAVOUNIDES SHIPPING CO. S.A., TRADING AS, K-LINES HELLENIC CRUISES
C/O K-LINES HELLENIC CRUISES, 521
FIFTH AVENUE, NEW YORK, NEW YORK
10017.

Dated: November 12, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-34011 Filed 11-17-76;8:45 am]

WEST COAST OF ITALY, SICILIAN & ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE (WINAC)

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 29, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Agreement No. 2846-29-A is an addendum to Agreement No. 2846-29 and provides that three outside carriers, American Export Lines, Inc., American President Lines, and Sea-Land Service, Inc., will join WINAC when and if Agreement No. 2846-29 is approved.

By Order of the Federal Maritime Commission.

Dated: November 12, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-34009 Filed 11-17-76;8:45 am]

WEST COAST OF ITALY, SICILIAN & ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE (WINAC)

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 29, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, NW., Washington, D.C. 20006.

Agreement No. 2846-29, among the members of the above named conference modifies the basic agreement by:

(1) Strengthening and clarifying certain obligations of the conference members;

(2) Establishing a new self-policing system in the form of an unaffiliated outside entity, and setting forth the procedural requirements for the self-policing entity;

(3) Requiring unanimous consent of all members entitled to vote for an amendment to the agreement; and

(4) Establishing an independent action provision.

By Order of the Federal Maritime Commission.

Dated: November 12, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-34010 Filed 11-17-76;8:45 am]

**FEDERAL MEDIATION AND CONCILIATION SERVICE
HEALTH CARE INDUSTRY LABOR-MANAGEMENT ADVISORY COMMITTEE
Meeting**

Notice is hereby given that the Federal Mediation and Conciliation Service Health Care Industry Labor-Management Advisory Committee, in accordance with section 10 of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), will meet on Monday, December 6, 1976, starting at 9:00 a.m., in Conference Room #414 of the Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, D.C.

The agenda will include presentations and discussions related to:

1. Recent FMCS activities.
2. Procedures and timing of Boards of Inquiry—recent court decisions.
3. FMCS research on effects of 1974 amendments on collective bargaining in the health care industry.
4. Providing FMCS mediators and Boards with information.

Communications regarding this meeting should be addressed as follows:

Mr. John Wagner, Advisory Committee Management Officer and Special Assistant to the Director, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C., this twelfth day of November 1976.

JAMES F. SCHARCE,
National Director.

[FR Doc.76-34115 Filed 11-17-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. G-3072, et al.]

EXXON CORPORATION, ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

NOVEMBER 10, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure.

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

dures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on

all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-3072..... D 10-1-76	Exxon Corp., P.O. Box 2159, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., District 4 Area, Tex.	(9)	
G-13947..... D 9-27-76	The California Co., a Division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Southern Natural Gas Co., West Black Bay Field, Plaquemines Parish, La.	(9)	
CI65-53..... D 9-24-76	Mobil Oil Corp., Three Greenway Plaza East, Suite 600, Houston, Tex. 77046.	Northern Natural Gas Co., East Clark Area, Harper County, Okla.	(9)	
CI72-344..... D 10-1-76	Exxon Corp.	Tennessee Gas Pipeline Co., RRC District 4 and Heyser Fields, Texas.	(9)	
CI74-528..... C 10-5-76	do	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	\$1.006	14.65
CI76-333..... B 9-24-76	George C. McGhee, operator, et al., 1015 East St. Mary Blvd., P.O. Box 51643, Oil Center Station, Lafayette, La. 70501.	Texas Gas Transmission Corp., South Bayou Mallet Field, Acadia Parish, sec. 23, T7S, R1E, well No. 4.	(9)	
CI76-626..... B 6-21-76	Chevron Oil Co., Western Division, P.O. Box 599, Denver, Colo. 80201.	Skelly Oil Co., various fields, Lea County, N. Mex.	(9)	
CI76-765..... (G-4874) B 9-13-76	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Phillips Petroleum Co., Buymen-Hugoton Field, Texas County, Okla.	(9)	
CI76-787..... (CS66-107) B 9-20-76	Jake L. Hamon, P.O. Box 623, Dallas, Tex. 75221.	South Texas Natural Gas Gathering Co., Stanley Marshall No. 2 & No. 5, Kelsey Field Area, Brooks County, Tex.	(9)	
CI76-788..... B 9-20-76	Jake L. Hamon	Natural Gas Pipeline Co. of America, No. 1 Mack Gas Unit, Hugoton-Anadarko Field, Hemphill County, Tex.	(9)	
CI76-789..... B 9-23-76	Amoco Production Co.	Arkansas Louisiana Gas Co., 500 Jefferson Bldg., P.O. Box 3222, Houston, Tex. 77001.	(9)	
CI76-790..... (CS66-101) B 9-27-76	Coquina-Oil Corp., P.O. Drawer 2969, Midland, Tex. 79701.	Cities Service Oil Co., Bluff Field Area, Roosevelt County, N. Mex.	(9)	
CI76-791..... A 9-23-76	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Colorado Interstate Gas Co., Hugoton Field, Hamilton and Stanton Counties, Kans.	\$1.414	14.65
CI76-794..... B 9-29-76	Gordon Oil Co., et al., P.O. Box 1660, Sherman, Tex. 75090.	Union Texas Petroleum, division of Allied Chemical Corp., Sherman (Penn-Lover), Grayson County, Tex.	(9)	
CI76-796..... A 9-29-76	Energy Reserves Group, Inc., 265 West Second, Suite 19, Wichita, Kans. 67202.	Northern Natural Gas Co., Seward County, Kans.	\$1.151.843	14.65
CI76-797..... (G-11503) B 9-28-76	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex. 75250.	Michigan Wisconsin Pipe Line Co., Second Bayou Field, Cameron Parish, La.	(9)	
CI76-798..... A 9-28-76	Dover Exploration Co., P.O. Box 615, North duPont Highway, Dover, Del. 19901.	Eastern Shore Natural Gas Co., East Herdes Creek, Gelia County, Tex.	\$1.42	14.74
CI76-800..... D 9-16-76	Aminoff Development, Inc. (formerly Burmah Oil Development, Inc.), 2800 North Loop West, Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Eugene Island block 172, offshore Louisiana.	(9)	
CI76-803..... (CI66-1004) B 9-30-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Northern Natural Gas Co., Snake Creek West Field, Clark County, Kans.	(9)	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³ 1	Pres- sure base
CI76-804..... A 9-23-76	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., West Cameron block 63 (north half), off- shore Louisiana.	² \$1.60	15.025
CI76-808..... (CS71-378) B 9-23-76	J. S. Abercrombie Mineral Co., Inc., P.O. Box 27339, Houston, Tex. 77027.	United Gas Pipe Line Co., Triple A Field, San Patricio County, Tex.	(9)	-----
CI77-1..... A 10-1-76	American Natural Gas Production Co., One Woodward Ave., De- troit, Mich. 48226.	Michigan Wisconsin Pipe Line Co., Beckham County, Okla.	² \$1.43	14.65
CI77-2..... A 10-1-76	American Natural Gas Production Co.	do.....	² \$1.43	14.65
CI77-3..... A 10-1-76	do.....	Michigan Wisconsin Pipe Line Co., Caddo County, Okla.	² \$1.43	14.65
CI77-5..... A 10-1-76	Exxon Corp.....	Northern Natural Gas Co., West Cameron block 616, offshore Louisiana.	² \$1.90	15.025
CI77-6..... A 10-1-76	do.....	Natural Gas Pipeline Co. of Amer- ica, West Cameron Block 616, off- shore Louisiana.	² \$1.90	15.025
CI77-7..... A 10-4-76	Petroleum Inc., 300 West Douglas, Wichita, Kans. 67202.	Northwest Pipeline Corp., Sublette County, Wyo.	² \$1.564551	14.73
CI77-8..... A 10-4-76	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., Grand Isle block 48 (W/2) offshore Louisiana.	² \$1.4637	15.025

¹ Nonproductive.

² Subject to upward and downward 1,000³ adjustment.

³ Includes 13.84¢ 1,000³ adjustment and 1.49¢ gathering.

⁴ Depleted.

⁵ Well reclassified.

⁶ Plugged and abandoned.

⁷ Plugged and abandoned and the leases have expired.

⁸ Uneconomical.

⁹ Plus 100 pct of Kansas ad valorem taxes.

¹⁰ Applicant is willing to accept the national rate initially calculated as 151.8483¢ plus 100 pct of Kansas ad valorem taxes.

¹¹ Applicant is willing to accept, subject to refund the rate of \$1.33/1,000³ filed for herein as fully justified in other parts of this application.

¹² Applicant is willing to accept a certificate in accordance with opinion No. 770.

¹³ Opinion No. 770 is applicable to this sale because it involves the sale of gas from the Fogerty Creek 2-16 Well commenced after Jan. 1, 1973 (well spudded Oct. 27, 1975).

¹⁴ Although the contract rate is \$1.75, applicant is willing to accept, initially, the rates established in opinion No. 770, as it may be amended and revised.

[FR Doc.76-33896 Filed 11-17-76;8:45 am]

[Docket No. RP76-3]

INLAND GAS COMPANY, INC.
Certification of Proposed Settlement
Agreement

NOVEMBER 11, 1976.

Take notice that on October 27, 1976, Presiding Administrative Law Judge Raymond M. Zimmet certified to the Commission for its consideration a Stipulation and Agreement and attendant hearing record in Inland Gas Company, Inc. (Inland), Docket No. RP76-3. The certification results from a motion made by Inland at the hearing on October 21, 1976 and granted by the Presiding Administrative Law Judge.

By order issued February 9, 1976, the Commission approved in this docket a settlement agreement establishing a curtailment plan for calendar year 1976. The instant certification results from a settlement between Inland and its customers which would continue, without modification, the same curtailment plan for calendar year 1977. The certification states that the Staff has no objection to the settlement being approved by the Commission.

The curtailment plan has two categories. Included in Category 1 are all residential, commercial, and small industrial customers whose contract demand is less than 300 Mcf per day. In Category 2 would be the nine large industrial customers whose contract demand is 300 Mcf per day or above. The projected curtailment in 1977 would be limited to Category 2.

All comments on the proposed settlement agreement shall be filed within 14 days of the publication of this notice. All responses to the comments shall be filed within 10 days of the filing of comments.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-34033 Filed 11-17-76;8:45 am]

[Docket No. CP77-39]

IOWA POWER AND LIGHT CO.

Application for Declaration of Exemption

NOVEMBER 11, 1976.

Take notice that on October 29, 1976, Iowa Power and Light Company (Applicant), 666 Grand Avenue, Des Moines, Iowa 50309, filed in Docket No. CP77-39 an application pursuant to Section 1(c) of the Natural Gas Act for an exemption from the provisions of the Natural Gas Act and the Regulations of the Commission thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement dated July 14, 1976, between Applicant and Iowa Electric Light Company (Iowa Electric) it would, during the summer season, receive, liquefy, and store natural gas to be delivered to Applicant's LNG plant at Northern Natural Gas Company's (Northern) Des Moines TBS No. 1 for the account of Iowa Electric. Applicant would redeliver up to 9,000 Mcf per day of vaporized LNG

during the winter season, it is said. It is stated that such redeliveries would be accomplished by displacement through a temporary reduction in the volume of natural gas available to Applicant at Northern's Des Moines, Iowa, TBS No. 1. It is further stated that Northern would concurrently increase its deliveries to Iowa Electric at specified delivery points. It is stated that all of the gas subject to the liquefaction and storage service would be consumed within the State of Iowa. It is further stated that the Iowa State Commerce Commission exercises jurisdiction over the rates, service, and facilities of Applicant. Accordingly, Applicant requests that the Commission declare that Applicant and its operations and facilities are exempt from the provisions of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-34032 Filed 11-17-76;8:45 am]

[Docket No. E-8336]

IOWA POWER AND LIGHT CO.
Supplemental Application

NOVEMBER 10, 1976.

Take notice that on October 29, 1976, Iowa Power and Light Company (Applicant) of Des Moines, Iowa filed a Supplemental Application seeking authority pursuant to Section 204 of the Federal Power Act to issue up to \$85,000,000 principal amount of short-term unsecured promissory notes on or before December 31, 1978, with final maturities not more than one year after date of issuance. Of this total, an amount not exceeding twenty-five percent (25%) of the Applicant's gross revenues during the preceding twelve (12) months of operations may, in the aggregate at any one time, be in the form of commercial paper. By order of December 19, 1975, in FPC Docket No. E-8336, Applicant was authorized to issue on or before December 31, 1976, bank and commercial paper notes maturing not more than one year after issuance in amounts not exceeding \$70,000,000 in the aggregate, of which up to an amount not exceeding twenty-five percent (25%) of the Company's gross revenues during the preceding twelve (12) months of operations in the aggregate at any one time was authorized to

be issued as commercial paper. Applicant, in its Supplemental Application, seeks authority to: (1) increase the authorized amount of short-term debt to \$85,000,000; (2) extend the period during which such securities can be issued to December 31, 1978, and (3) issue and sell commercial paper either directly to buyers, insofar as allowed by state law, or through established commercial paper dealers that are engaged in the business of buying and selling commercial paper.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility business within the State of Iowa.

The notes are to be issued from time to time to banking institutions or sold through a commercial paper dealer. Notes to banking institutions will be issued in accordance with various informal lines of credit agreements. The notes are to have maturities on demand with semiannual renewals, or specific maturities of not more than one year from their dates, and are to bear interest at the prevailing rate in effect at the time of issuance. Commercial paper will be issued as promissory notes either through an established commercial paper dealer, or directly to buyers of the paper, as determined in the discretion of the Company and as allowed by the laws of Iowa regulating the sale of securities. Commercial paper notes are to have maturities of not more than nine months from their dates and the interest rate will be dependent upon the terms of the notes and money market conditions at the time of issuance. The proceeds from the issuance of notes will be used as interim financing of the Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to the Application should on or before December 1, 1976, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-34030 Filed 11-17-76; 8:45 am]

[Docket No. RP71-107; RP72-127; (PGA77-1) (R&D77-1)]

NORTHERN NATURAL GAS CO.
Purchased Gas Cost Adjustment Rate
Change

NOVEMBER 10, 1976.

Take notice that on October 27, 1976, Northern Natural Gas Company (North-

ern) tendered for filing, as part of Northern's F.P.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets:

THIRD REVISED VOLUME No. 1

Twelfth Revised Sheet No. 4a
Eighth Revised Sheet No. 4b

ORIGINAL VOLUME No. 2

Thirteenth Revised Sheet No. 1c

Twelfth Revised Sheet No. 4a and Eighth Revised Sheet No. 4b are filed pursuant to Northern's Purchased Gas Adjustment provision of its F.P.C. Gas Tariff, Third Revised Volume No. 1. Thirteenth Revised Sheet No. 1c is filed pursuant to Northern's Purchased Gas Adjustment Clause applicable to Volume No. 2 sales. This change in Northern's rates reflects: (1) the increase in Northern's average estimated cost of purchased gas for the Year 1977, as adjusted for the unrecovered cost of purchased gas incurred during the twelve month period ending September 30, 1976, (2) the unrecovered cost of purchased gas for the period July 27, 1976 through December 31, 1976 resulting from increased cost of purchased gas attributable to Opinion Nos. 770 and 742-A issued July 27, 1976; and (3) a refund to reflect the excess of the revenues collected over the Modified Cost of Service pursuant to the Stipulation and Agreement at Docket No. RP74-75, approved by the Commission on July 27, 1976. The change in rates also reflects an increase in the cost of Research and Development expenditures estimated for the twelve months ending September 30, 1977, as adjusted for the overrecovered cost incurred during the twelve months ended September 30, 1976. The revised tariff sheets provide for a total increase of nineteen and twelve hundredths cents (19.12¢) per Mcf in the Commodity portion of Northern's jurisdictional rates, and will result in a total increase in annual jurisdictional revenues of approximately \$96,183,000 for Volume No. 1 sales and approximately \$2,683,000 for Volume No. 2 sales.

The Company states that in order to avoid having to effectuate two PGA filings within 27 days and to accommodate its utility customers' notice requirements, it does not plan to refile or effectuate on December 1, 1976, its special PGA rate increase permitted by the Commission Order issued October 21, 1976. The Company will file a revision to the PGA rate increase to reflect the new producer rate filings to be filed pursuant to the Commission Order in Docket No. RM75-14 issued October 21, 1976. Such revised filing would be filed as soon as possible after it receives the new producer filings, but in no event later than November 27, 1976.

Northern proposes that Twelfth Revised Sheet No. 4a, Eighth Revised Sheet No. 4b and Thirteenth Revised Sheet No. 1c become effective on December 27, 1976.

The Company states that copies of the filing have been mailed to each of the Gas Utility customers and Interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-34029 Filed 11-17-76; 8:45 am]

[Docket No. RP77-9]

PACIFIC GAS TRANSMISSION CO.

Rate Change

NOVEMBER 11, 1976.

Take notice that on November 2, 1976, Pacific Gas Transmission Company tendered for filing a "Notice of Rate Change to Reflect Increases in The Price Of Canadian Gas In Cost Of Service Charges, And Request For Expedited Consideration."

PGT states that its filing is made in compliance with this Commission's orders in Docket No. RP73-111 which require PGT to make filings pursuant to Section 4 of the Natural Gas Act before there is reflected in PGT's cost of service charges any increase in the cost of gas imposed or required by Canadian authorities.

PGT indicates that its filing will effect increases in rates charged under its PL-1 rate schedule which is applicable to sales of gas made by PGT to its one customer for sale; Pacific Gas and Electric Company. PGT states that no other rate schedule is affected.

The filed changes in rates will reflect in PGT's cost of service charges certain increases mandated by Canadian authorities in the price of gas imported from Canada, commencing January 1, 1977. PGT obtains its entire supply of gas from Canada at a present border price of \$1.80 (Canadian) per Mcf of 1000 Btu gas. PGT recites that by Orders dated June 17, 1976 the Canadian National Energy Board amended existing export licenses to establish a border price of \$1.94 (Canadian) per Mcf of 1000 Btu gas commencing January 1, 1977. On the basis of present volumes and Btu content, and a given U.S.-Canadian monetary exchange rate, PGT estimates that the effect of the January 1, 1977 increase would be approximately \$57,421,000 (U.S.) on an annualized basis.

PGT advises that copies of its filing have been mailed to its customers and to interested state commissions. PGT requests that expedited consideration be given to the instant filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol

Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-34034 Filed 11-17-76;8:45 am]

[Docket No. ER77-43]

PACIFIC POWER & LIGHT CO.

Modification of Rate Schedule

NOVEMBER 11, 1976.

Take notice—that Pacific Power & Light Company (Pacific), on November 5, 1976, tendered for filing, in accordance with Section 35.13 of the Commission's Regulations, a new rate schedule for power and energy sales to Montana Light and Power Company (Montana). This rate schedule supersedes Pacific's existing rate schedule designated FPC No. 100.

The proposed rate schedule provides for a change in the rate and a change in structure of the rate charged Montana by Pacific. Pacific states that this proposed change will conform to the rate charged to other wholesale customers. This will result in an approximate \$37,480 increase in the cost of electric service to Montana.

A copy of the filing has been supplied to Montana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 3, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-34036 Filed 11-17-76;8:45 am]

[Docket No. ER77-40]

PUBLIC SERVICE CO. OF NEW MEXICO

Contract Filing

NOVEMBER 11, 1976.

Take notice that on November 3, 1976, Public Service Company of New Mexico

(PNM), tendered for filing a contract for electric service between PNM and Community Public Service Company (CPS), dated February 20, 1974, and three amendments thereto. The contract and amendments were filed pursuant to PNM Rate Schedule FPC No. 29 which was approved by the Commission in its order dated September 8, 1976, in Docket Nos. ER76-308 and ER76-386. PNM states that the instant filing is informational and does not change rates or services previously approved under Rate Schedule No. 29.

PNM states that copies of the filing were sent to the New Mexico Public Service Commission and to CPS.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-34035 Filed 11-17-76;8:45 am]

[Docket No. CP77-38]

TENNECO INC. AND NATIONAL FUEL GAS SUPPLY CORP.

Application

NOVEMBER 9, 1976.

Take notice that on October 28, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Tenneco Building, Houston, Texas 77002, and National Fuel Gas Supply Corporation (Supply), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP77-38 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Tennessee and Supply to render a natural gas transportation service for National Fuel Gas Distribution Corporation (Distribution). Tennessee also requests permission and approval to abandon the Sherman Sales Meter Station delivery point to Supply, located in Chautaugua County, New York, pursuant to Section 7(b) of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee proposes to receive for the account of Distribution up to 12,000 Mcf per day of natural gas and to transport and deliver to Supply equivalent daily volumes of natural gas up to 12,000 Mcf per day, to the extent its operating conditions permit, through the utilization of existing facilities. It is stated that Distribution would deliver, or cause to be

delivered, to Tennessee up to 12,000 Mcf per day plus fuel and use volumes at Tennessee's Main Line Valve 224-1 plus 9.20 miles located in Chautaugua County, New York. It is further stated that Tennessee would transport and deliver equivalent daily volumes to Supply for the account of Distribution at the East Aurora Sales Meter Station delivery point located in Erie County, New York (East Aurora).

Supply proposes to receive from Tennessee at East Aurora up to 12,000 Mcf per day of natural gas for the account of Distribution and to transport and deliver to Distribution up to 12,000 Mcf per day through the utilization of existing facilities.

Tennessee pursuant to Section 7(b) of the Natural Gas Act requests permission and approval to abandon the existing Sherman Sales Meter Station (Sherman), and to terminate the deliveries of natural gas by Tennessee to Supply at said point. It is stated that Supply has requested Tennessee to abandon Sherman since the customers presently served by Distribution by means of gas purchased by Supply from Tennessee at Sherman and delivered by Supply to Distribution can be supplied by Distribution from gas produced in Western New York and sold to Distribution by other parties. It is stated that the deliveries of natural gas heretofore delivered to Supply by Tennessee through Sherman have been de minimis and such deliveries would continue to be made through other existing and authorized delivery points from Tennessee to Supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that

a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-34031 Filed 11-17-76;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN SECURITY CORP.

Order Granting Determination Under the Bank Holding Company Act

American Security Corporation, Washington, D.C. ("ASC"), which proposes to sell all of its stock in Fairfax County National Bank, Seven Corners, Virginia ("FCNB") to Virginia National Bankshares, Inc., Norfolk, Virginia ("VNB"), has requested a determination, pursuant to the provisions of section 2(g) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g) (3)) ("the Act"), that ASC will not in fact be capable of controlling VNB, notwithstanding the fact that the proposed sales agreement provides that ASC is to receive for its stock a note from VNB in the amount of \$5,277,139.60 payable over a period of 10 years.

Under the provisions of section 2(g) (3) of the Act, shares transferred after January 1, 1966, by any bank holding company to a transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, are deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

Notice of an opportunity for hearing with respect to ASC's request for a determination under section 2(g) (3) was published in the FEDERAL REGISTER on October 20, 1976 (41 FR 46387). The time provided for requesting a hearing expired on November 5, 1976. No such request has been received by the Board, nor has any evidence been received to show that ASC is in fact capable of controlling VNB.

VNB is a substantial, independent, publicly held corporation with approximately 4.7 million outstanding shares of common stock held by about 12,300 shareholders. It is the second largest banking organization in the Commonwealth of Virginia in terms of assets and deposits, with assets of about \$1.8 billion as of December 31, 1975. The aggregate amount of indebtedness of VNB to ASC after the sale of FCNB does not constitute a substantial portion of the consolidated debt, consolidated assets or consolidated net worth of VNB since the total principal amount of the note will be 0.3 per cent of VNB's total consolidated liabilities. ASC does not have any directors or officers in common with VNB

or any of its subsidiaries. Moreover, VNB is not presently indebted to ASC or any of its subsidiaries except as may from time to time arise in the course of normal business transactions.

FCNB will be merged into VNB's lead bank, Virginia National Bank, Norfolk, Virginia, the Commonwealth's largest bank. As a result ASC will have no rights to reacquire stock in FCNB in the event of default on the note. The note is not secured by any shares of VNB and ASC has no rights under the proposed contract of sale to acquire shares of VNB or any of its subsidiaries.

It appears that the terms of the proposed contract of sale are the result of arms-length negotiations, and counsel for ASC has so stated. The terms of the sales agreement specify a fixed term for the note, a definite repayment schedule, a fixed rate of interest, and the remedies in the event of default, consisting primarily of an ability to bring suit on the entire note. The agreement carefully defines the rights and obligations of each party. The Executive Committees of the Boards of Directors of ASC and VNB have passed resolutions to the effect that ASC does not, and will not attempt to, exercise a controlling influence over VNB and that VNB will resist any attempts by ASC to exert such control. ASC appears to be acting in good faith to comply with a previous Board order of November 12, 1974 (1974 Federal Reserve Bulletin 875), requiring it to divest itself of control of FCNB.

Based on these and other facts of record, it is hereby determined that ASC is not in fact capable of controlling VNB.

Accordingly it is ordered, That the request of ASC for a determination pursuant to section 2(g) (3) be and hereby is granted. Any material change in the facts or circumstances relied upon by the Board in making this determination or any material breach of any of the commitments upon which the Board based its decision could result in the Board reconsidering the determination made herein.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(b) (1)), effective November 10, 1976.

— GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-34022 Filed 11-17-76;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Longer-Run Ranges for Monetary Aggregates

In accordance with the Committee's rules regarding availability of information, notice is given that on November 8, 1976, the Federal Open Market Committee adopted the following ranges for rates of growth in monetary aggregates for the period from the third quarter of 1976 to the third quarter of 1977: M₁, 4½ to 6½ percent; M₂, 7½ to 10 percent; and M₃, 9 to 11½ percent.

By order of the Federal Open Market Committee, November 11, 1976.

ARTHUR L. BRODA,
Secretary.

[FR Doc.76-34023 Filed 11-17-76;8:45 am]

FIRST BANCSHARES, INC.

Formation of Bank Holding Company

First Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The First State Bank of Kansas City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 9, 1976.

Board of Governors of the Federal Reserve System, November 9, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-34024 Filed 11-17-76;8:45 am]

INDIANA NATIONAL CORP.

Acquisition of Bank

Indiana National Corporation, Indianapolis, Indiana, has applied for the Board's approval under 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to retain 8.16 percent of the voting shares of Gary National Bank, Gary, Indiana. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 9, 1976.

Board of Governors of the Federal Reserve System, November 10, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-34025 Filed 11-17-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff,

on November 11, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the *FEDERAL REGISTER* is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

On November 2, 1976, FEA caused to have published in the *FEDERAL REGISTER* on November 8, 1976, at 41 FR 49113 a proposed rule entitled Mandatory Petroleum Price Regulations, Proposed Domestic Crude Oil Purchaser's Report Form, FEA-P124-M-1. The notice contained a copy of the form and the instructions. In that notice, FEA directed anyone wishing to comment on the form to send or deliver comments to the General Accounting Office not later than 4:30 p.m. on Monday November 15, 1976.

The FEA notice of November 8, 1976, was placed in the *FEDERAL REGISTER* without consultation with the General Accounting Office and before the form was officially submitted to the Comptroller General for clearance. Therefore, the November 15, 1976, deadline for filing comments with the General Accounting Office is inoperative.

Pursuant to this notice, the General Accounting Office is setting a deadline of December 6, 1976, for filing comments on the proposed form FEA-P124-M-1. The form and instructions published in the FEA notice of November 8, 1976, are identical as that submitted to the Comptroller General for clearance and accepted on November 11, 1976.

The FEA has requested clearance of its FEA-P124-M-1 entitled Domestic Crude Oil Purchaser's Report. The FEA-P124-M-1 provides the means by which the Federal Energy Administration will monitor the weighted average first sale price of Domestic Crude Petroleum. Information provided on the FEA-P124-M-1 will aid in implementing the crude petroleum price policy set forth in the Energy Policy and Conservation Act of 1975 (Pub. L. 94-163). Filing of FEA-P124-M-1 is mandatory under EPCA. The P124 is a monthly report with estimated respondents numbering 250. Average burden per response is 40 hours.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-34026 Filed 11-17-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

HANDICAPPED CHILDREN'S EARLY EDUCATION PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in sections 623 and 624 of the Education of the Handicapped Act (20 U.S.C. 1423, 1424), the U.S. Commissioner of Education has established a final closing date of January 18, 1977 for receipt of new and non-competing continuation applications for HCEEP Outreach Projects.

Eligible applicants are projects which have completed a three year demonstration phase under the Handicapped Children's Early Education Program and met eligibility requirements. Sections 121d.40 and 121d.41 of the program regulations as stated in the *FEDERAL REGISTER*, Vol. 40, No. 35 of Thursday, February 20, 1975 specify that parties which have received assistance for early education demonstration projects for three years may apply for assistance for activities which will assist other agencies in meeting the early educational needs of handicapped children. Direct services provided by the project during the prior demonstration phase are to be continued by the applicant and supported from funds other than funds from the Handicapped Children's Early Education Program to meet the eligibility requirements for outreach funding under 13.444B. (Potential applicants for support for new demonstration projects under the Handicapped Children's Early Education Program should refer to the *FEDERAL REGISTER* cited above, section 623 and should apply under Federal Catalog number (13.444A)).

The funding level for the Handicapped Children's Early Education Program is expected to be approximately \$22 million for Fiscal Year 1977. There will be approximately 60 outreach projects funded under this program. Funding for outreach projects under 13.444B has averaged between \$50,000 and \$150,000.

Applications must be received by the U.S. Office of Education Application Control Center on or before the aforementioned date.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grants and Procurement Management Division, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.444B. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than January 13, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner

will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be delivered to the U.S. Office of Education, Application Control Center, Room 5073 Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays.

C. *Program information and forms.* Information and applications may be obtained from the Division of Innovation and Development, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR 100 and 100a) and the program regulations (45 CFR Parts 121, 121d) published in the *FEDERAL REGISTER* on February 20, 1975 at 40 FR 7408.

(20 U.S.C. 1423, 1424.)
(Catalog of Federal Domestic Assistance No. 13.444B Handicapped Children's Early Education Program.)

Dated: November 12, 1976.

EDWARD AGUIRRE,
U.S. Commissioner of Education.

[FR Doc. 76-34056 Filed 11-17-76; 8:45 am]

HANDICAPPED CHILDREN'S EARLY EDUCATION PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in sections 623 and 624 of the Education of the Handicapped Act (20 U.S.C. 1423, 1424), the U.S. Commissioner of Education has established a final closing date of January 6, 1977 for receipt of applications for new and continuation Model Demonstration Centers Projects (13.444A).

The funding level of the Handicapped Children's Early Education Program in Fiscal Year 1977 is expected to be \$22,000,000. These funds will be made available for new and continuation demonstration projects, technical assistance support activities, and outreach projects. The approximate number of grants for new demonstration awards is 70 and for continuation grant awards is 60. During previous years of the program, funding for new projects has averaged between \$60,000 and \$70,000; and between \$80,000 and \$120,000 for second and third year demonstration continuation projects.

Projects approved for funding under this program will be for a three-year period with annual review of progress. Continuation of funding for the second year of the project will depend upon satisfactory performance by the grantee as reviewed by the funding agency and availability of funds. The funding level and distribution of project funds are

predicated upon the allotment of funds and may vary according to the final appropriation made available during a specific fiscal year.

Applications must be received by the U.S. Office of Education Application Control Center on or before the aforementioned date.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grants and Procurement Management Division, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.444A. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than January 3, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be delivered to the U.S. Office of Education, Application Control Center, Room 5673 Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays.

C. *Program information and forms.* Information and applications may be obtained from the Division of Innovation and Development, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR 100 and 100a) and the program regulations (45 CFR Parts 121, 121d) published in the FEDERAL REGISTER on February 20, 1975 at 40 FR 7408.

(20 U.S.C. 1423, 1424.)

(Catalog of Federal Domestic Assistance No. 13.444A, Handicapped Children's Early Education Program.)

Dated: November 12, 1976.

EDWARD AGUIRRE,

U.S. Commissioner of Education.

[FR Doc. 76-34057 Filed 11-17-76; 8:45 am]

SPECIFIC LEARNING DISABILITIES

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 661 of the Education of the Handicapped Act

(20 U.S.C. 1461), the U.S. Commissioner of Education has established a final closing date of February 4, 1977 for receipt of applications for non-competing continuation Demonstration Centers Projects.

The amount of funds expected to be available to the Specific Learning Disabilities Program is \$9,000,000 during Fiscal Year 1977. There is no fixed level of funding or number of grants projected. However, approximately twenty-three second year continuation projects are expected to be funded. The funding level for each operational year has, in the past, averaged between \$80,000 and \$120,000. Additionally, funds will also be made available for technical assistance support to funded projects.

Continuation of funding for the second year of the project will depend upon satisfactory performance by the grantee as reviewed by the funding agency and availability of funds. The funding level and distribution of project funds are predicted upon the allotment of funds and may vary according to the final appropriation made available during a specific year.

Applications should be received by the U.S. Office of Education, Application Control Center on or before the aforementioned date.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grants and Procurement Management Division, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.520. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than January 31, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be delivered to the U.S. Office of Education, Application Control Center, Room 5673 Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered application will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays.

C. *Program information and forms.* Information and applications may be obtained from the Division of Innovation and Development, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR 100 and 100a) and the program regulations (45 CFR Parts 121, 121j) published in the FEDERAL REGISTER on February 20, 1975 at 40 FR 7428.

(20 U.S.C. 1461.)

(Catalog of Federal Domestic Assistance No. 13.520, Special Program For Children With Specific Learning Disabilities.)

Dated: November 12, 1976.

EDWARD AGUIRRE,

U.S. Commissioner of Education.

[FR Doc. 76-34055 Filed 11-17-76; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-76-375]

URBAN HOMESTEADING DEMONSTRATION PROGRAM

Applications for Participation

Notice is hereby given that the Department of Housing and Urban Development will be accepting a second round of applications from units of general local government, States and their designated public agencies that are interested in participating in the Urban Homesteading Demonstration Program authorized by Section 810 of the Housing and Community Development Act of 1974. The Demonstration Program was initially announced in the FEDERAL REGISTER on June 20, 1975 at 40 FR 26053. Sixty-one applications were received as a result of that announcement and 23 cities were selected on a competitive basis.

The Congress has authorized additional appropriations to reimburse the FHA Funds for the cost of transferring properties under the Urban Homesteading Program. Accordingly, the Department will approve the conveyance of \$2.5 million worth of HUD owned properties to approximately 10 additional program participants. In addition, \$3.5 million in Section 312 rehabilitation loans will be made available to these new program participants to support rehabilitation efforts in the designated urban homesteading target areas.

It is anticipated that application forms for units of general local government, States and their designated public agencies will be available from HUD on December 1, 1976. Applications will be accepted by HUD until January 21, 1977.

Application forms will be considered by HUD in accordance with the requirements of Section 810 of the Housing and Community Development Act of 1974, with special attention given to local neighborhood preservation efforts, homesteader selection and services, availability of other related local services and facilities, and general program design.

Interested potential applicants are invited to request application forms and further information concerning the urban homesteading demonstration pro-

gram by writing to the Director, Urban Homesteading Demonstration Program, Office of Policy Development and Research, Department of Housing and Urban Development, Room 8138, 451 7th Street, S.W., Washington, D.C. 20410, or by telephoning HUD at 202/755-5900.

A Finding of Inapplicability of Section 102(2) (C), National Environmental Policy Act of 1969, has been made in connection with this Notice, in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182). A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the office of the Rules Docket Clerk, Room 10 141, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

The Department of Housing and Urban Development has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Section 810(d), Housing and Community Development Act of 1974, 12 USC 1706e, Section 7(d), Department of HUD Act, 45 USC 3535(d).)

Issued at Washington, D.C., November 15, 1976.

CARLA A. HILLS,
Secretary,

Housing and Urban Development.

[FR Doc.76-34110 Filed 11-17-76; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14834-A]

ALASKA NATIVE CLAIMS SELECTION

Notice for Publication

On December 28, 1973, Atkasook Corporation, the Native corporation for the village of Atkasook, filed selection application F-14834-A under the provisions of section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601), for the surface estate of certain lands in the Atkasook area. The application, as amended, is properly filed and meets the requirements of the act and of the regulations issued pursuant to the act. The selected lands described below do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, aggregating approximately 66,352 acres, is considered proper for acquisition by the Atkasook Corporation and is hereby approved for interim conveyance pursuant to section 14(a) of the act:

UMLAT MERIDIAN (UNSURVEYED)

T. 12 N., R. 21 W.
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.

T. 13 N., R. 20 W.
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 30, inclusive.

T. 13 N., R. 21 W.

Secs. 1 to 18, inclusive;
Secs. 19 and 20, excluding ANCSA 3(e) application F-22435;
Secs. 21 to 28, inclusive;
Secs. 29 to 32, inclusive, excluding ANCSA 3(e) application F-22435;
Secs. 33 to 36, inclusive.

T. 13 N., R. 22 W.

Secs. 1 to 5, inclusive;
Secs. 11 to 14, inclusive;
Secs. 23 to 28, inclusive;
Secs. 32 to 36, inclusive.

T. 14 N., R. 21 W.

Secs. 27 to 34, inclusive.

The interim conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. A right-of-way thereon for the construction of railroads, telegraph and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975(d).

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601-1624.

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, the following public easements referenced by easement identification number (EIN) on the easement map in case file F-14834-EE are reserved to the United States and subject to further regulation thereby:

a. (EIN 1 C5, D1) A trail easement fifty (50) feet in width to gain access via an existing trail to and from public lands to the north and south of the selection. Said easement roughly parallels the Meade River, and its use is to be controlled by applicable State or Federal law or regulation.

b. (EIN 3 C3, C5, D1, D9, L) A river easement twenty-five (25) feet in width along both banks of the Meade River for recreational use. This easement also includes the riverbed.

c. (EIN 4 C5, D9) A one (1) acre site easement on the east side of Ikmakrak Lake for use as a boat and floatplane pullout area and campsite. The easement extends twenty-five (25) feet into the lake. That portion extending onto the bed of the lake is in addition to the one (1) acre on the land. The site is located in section 13, T. 13 N., R. 22 W., Seward Meridian and also includes a spur trail to connect with easement number 1 C5 D1. The use of the trail is to be controlled by applicable State or Federal law or regulation.

d. (EIN 5 C5, D9) An easement for a campsite and a landing site for public access or safety on the site of the existing airstrip at the village of Atkasook. Said easement is to be three thousand (3,000) feet in length and extending two hundred (200) feet northerly of and parallel to the centerline of the existing

airstrip, and extending five hundred (500) feet southerly of and parallel to said centerline. (Total dimensions of the easement are three thousand (3,000) feet by seven hundred (700) feet.)

e. (EIN 6 C) The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes, together with the right to do all things necessary in connection therewith.

f. (EIN 7 C) An easement for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. This easement also includes the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of this easement shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easement will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of this easement that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

g. In addition to the foregoing, the United States incorporates by reference the agreement of May 14, 1974, between the United States Department of the Navy and the Arctic Slope Regional Corporation and four Native village corporations, and reserves those easements necessary to implement said agreement. A copy of the agreement is located in the Bureau of Land Management file F-14834-EE.

The grant of lands by the interim conveyance shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands.

2. Valid existing rights therein, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341)), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him.

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 703; 43 U.S.C. 1613(c), that the grantee hereunder convey those portions of land hereinafter granted, as are prescribed in said section.

Interim conveyance to the remaining lands in this application will be made at a later date. It should be noted that no interim conveyance will be issued to the

Arctic Slope Regional Corporation for the subsurface estate of these lands, since the lands involved are located within Naval Petroleum Reserve No. 4. Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that when a village corporation selects the surface estate to lands within Naval Petroleum Reserve No. 4, the regional corporation may make lieu selections of the subsurface estate, in an equal acreage, from other lands withdrawn by subsection 11(a) of the act.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 and with a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 1016 West Sixth Avenue, Suite 201, Anchorage, Alaska 99501; also:

1. Any party receiving actual notice of this decision shall have 30 days from the receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until December 20, 1976, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived their rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.76-34047 Filed 11-17-76;8:45 am]

Bureau of Land Management
[CA 3981]

CALIFORNIA

Proposed Withdrawal and Reservation of
Lands

NOVEMBER 11, 1976.

The Forest Service, U.S. Department of Agriculture, has filed application, serial number CA 3981, for the withdrawal of the national forest lands described below from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

Prior to the filing of the proposed withdrawal application, these lands were

open to entry under the general mining laws. The Forest Service has requested the withdrawal from mining to prevent activities adverse to public recreation uses. The parcel is occupied and developed as a Forest Service Administrative Site.

On or before December 21, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs; to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's; to eliminate lands needed for purposes more essential than the applicant's; and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

TAHOE NATIONAL FOREST
Greek Store Administrative Site
MOUNT DIABLO MERIDIAN

T. 14 N., R. 13 E.,
Sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described aggregates 22.5 acres in Placer County, California.

JOAN B. RUSSELL,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-34100 Filed 11-17-76;8:45 am]

CERTIFICATION OF RECORDS

Designation

NOVEMBER 11, 1976.

A. Pursuant to designation contained in Bureau Manual 1270.2.22, the district Records Management Specialist, Division of Administration, Canon City, Colorado, is designated:

1. To certify copies of records embossing the official Bureau Seal to attest to the source and authenticity of documents.

RICHARD D. McELDERY,
District Manager.

[FR Doc.76-34101 Filed 11-17-76;8:45 am]

NEVADA STATE MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Nevada State Multiple Use Advisory Board will be held December 9 and 10, 1976 in Las Vegas, Nevada at the Showboat, 2800 E. Fremont.

The Nevada State Multiple Use Advisory Board was established to advise and counsel the Nevada State Director of the Bureau of Land Management on national resource land management.

This will be the third meeting of the board under its charter approved by the Secretary of the Interior on August 5, 1975. The purpose of the meeting is to discuss off-road vehicle management, energy rights-of-way, the Organic Act, the Nevada State Multiple Use Advisory Board's role, and the policy decision-making level for Nevada.

The meeting is open to the public. Time will be made available from 1:00 p.m. to 1:30 p.m. on Thursday, December 9 and 11:30 to 12:00 noon on Friday, December 10, for brief oral statements by members of the public. Such statements are not to exceed ten minutes and must be germane to the topics under consideration. Additionally, such statements are to be reduced to writing and two copies filed with the board chairperson at the meeting. Anyone wishing to make an oral statement should notify the State Director's office or District Manager's office at the address and telephone number listed below before the close of business (4:15 p.m., PDT) on December 6, 1976. Also, any interested person or organization may file a written statement with the board for its consideration. Such may be submitted at the meeting or mailed to the State Director. Early mailing of written statements is encouraged to ensure adequate opportunity for board consideration.

Notification for giving oral statements, mailing of written statements, and additional information concerning this meeting may be obtained from the State Director's office (Carl A. Gidlund, Chief, Public Affairs), Bureau of Land Management, Nevada State Office, Room 3008 Federal Building, 300 Booth Street, Reno, Nevada 89509, telephone 702-784-5459 or District Manager's office (Ed Ciliberti, Public Affairs Officer), Bureau of Land Management, Las Vegas District Office, 4765 Vegas Drive, Las Vegas, Nevada 89101, telephone 702-385-6403.

Minutes of the meeting will be available for public inspection and copying at the Nevada State Office and Las Vegas

District Office six weeks after the meeting.

Dated: November 10, 1976.

E. I. ROWLAND,
State Director, Nevada.

[FR Doc.76-34105 Filed 11-17-76;8:45 am]

[NM MISC. 28]

NEW MEXICO

Order Opening Lands to Entry

NOVEMBER 9, 1976.

1. In an exchange of lands made under the provisions of section 8 of Act of June 28, 1934 (48 Stat. 1269), as amended, (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 N., R. 2 W.,

Sec. 3, lots 1, 2, 3, 4, $S\frac{1}{2}N\frac{1}{2}$ and $S\frac{1}{2}$.

The area described aggregates 598.83 acres in Sandoval County.

2. The topography of the land is relatively flat. Vegetation is a semi-desert type consisting of salt brush, sage brush, greasewood, blue grama grass and pinon juniper trees.

3. Subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable law, the lands described above are hereby open to petition application, location and selection. All valid applications received at or prior to 10 a.m. on January 17, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-34104 Filed 11-17-76;8:45 am]

[OR 13704]

OREGON

Order Providing for Opening of Public Land

NOVEMBER 12, 1976.

1. In an exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1970), the following land has been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 26 S., R. 15 E.,

Sec. 1, $S\frac{1}{2}$;

Sec. 2, Lots 7, 8, and 9;

Sec. 12, NW $\frac{1}{4}$.

The area described contains 600 acres in Lake County, Oregon.

2. The United States did not acquire any mineral rights in the land listed in paragraph 1 hereof.

3. The subject land is located in the Fort Rock Valley area, approximately six

miles southeast of the Community of Fort Rock, Oregon. The topography is relatively flat with some gently rolling sand dunes. Vegetation consists primarily of sagebrush and native grasses and the soils consist of shallow and excessively drained loamy sand. The area has a semi-arid climate characterized by light precipitation, low relative humidity, rapid evaporation, and wide range of temperatures. There are no live or intermittent streams or other surface water. The land has limited potential for agriculture and outdoor recreation and no potential for timber production. It has been used in the past for livestock grazing purposes. The land will be managed, together with adjoining national resource lands, for multiple use.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land described in paragraph 1 hereof is hereby open to operation of the public land laws, including, to the extent applicable, the mineral leasing laws. All valid applications received at or prior to 10 a.m. December 18, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-34102 Filed 11-17-76;8:45 am]

SALEM DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Salem District Multiple Use Advisory Board will meet on December 9, 1976 commencing at 9 a.m., in the Bureau of Land Management Salem District Office, 3550 Liberty Road South, Salem, Oregon. The agenda for the meeting will include discussions of the District programs for Fiscal Year 1977, status of oil and gas leasing, status of district planning efforts and the status of the forest inventory.

The meeting will be open to the public. In addition to discussion of agenda topics by board members, there will be time for brief statements on agenda topics by non-members. Persons wishing to make oral statements must inform the Board Chairman in writing prior to the meeting. Written statements should be sent to Chairman, District Multiple Use Advisory Board in care of the District Manager, Bureau of Land Management, P.O. Box 3227, Salem, Oregon 97302.

EDWARD G. STAUBER,
Salem District Manager.

NOVEMBER 8, 1976.

[FR Doc.76-34106 Filed 11-17-76;8:45 am]

[Wyoming 57253]

WYOMING

Application

NOVEMBER 5, 1976.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation of Salt Lake City, Utah, filed an application for a right-of-way to construct a $4\frac{1}{2}$ inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 114 W.,

Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,

SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 32, lots 1 and 10;

Sec. 33, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The pipeline will transport natural gas, into an existing gathering system, from a point in sec. 4, to a point in sec. 9, and from a point in sec. 32 to a point in sec. 33, T. 28 N., R. 114 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.76-34103 Filed 11-17-76;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Rules for Allocation of Quotas for Calendar Year 1977 Among Producers Located in the Virgin Islands, Guam and American Samoa

CROSS REFERENCE: For a document concerning rules to govern the duty-free quotas of watches and watch movement, issued jointly by the Department of Commerce and the Department of the Interior, see FR Doc. 76-34044 in the notices section of this FEDERAL REGISTER.

LEGAL SERVICES CORPORATION

LEGAL AID BUREAU, INC., BALTIMORE, MD. AND SOUTH MISSISSIPPI LEGAL SERVICES CORP., JACKSON, MISS.

Grants and Contracts

NOVEMBER 15, 1976.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall an-

nounce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Legal Aid Bureau Inc., Baltimore, Maryland.
2. South Mississippi Legal Services Corporation, Jackson, Mississippi.

Additional information may be obtained by writing the Legal Services Corporation, 733 Fifteenth Street, NW., Suite 700, Washington, D.C. 20005.

THOMAS EHRLICH,
President.

[FR Doc.76-34020 Filed 11-17-76;8:45 am]

MARINE MAMMAL COMMISSION

PRIVACY ACT OF 1974

Amendment To Notice of Systems of Records

Notice is hereby given that the Marine Mammal Commission, in accord with the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a, proposes to amend the Notice of Systems of Records published in the FEDERAL REGISTER of 15 September 1976 (41 FR 39731), in order to establish additional routine uses by adding under "MMC-5", Payroll Records, and immediately following the paragraph designated "Routine uses of Records maintained in the system, including categories of users and the purposes of such uses:" the following language:

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Director, Marine Mammal Commission, 1625 I Street, NW, Room 307, Washington, D.C. 20006. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Executive Director of the Marine Mammal Commission.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with section 7 of the Privacy Act, Pub. L. 93-579.

and by adding to the Appendix to MMC-5 the following language:

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

The operation of these routine uses will permit the General Services Administration to obtain and transfer employee tax information to State and local taxing jurisdictions and to continue to provide adequate administrative services to the Commission.

Any person interested in the proposed amendments may submit written comments to the Executive Director, Marine Mammal Commission, 1625 I Street, NW., Room 307, Washington, D.C. 20006 on or before December 20, 1976. The amendment of this System of Records will become effective on 20 December 1976 unless the Commission publishes notice to the contrary.

Dated: November 10, 1976.

JOHN R. TWISS, Jr.,
Executive Director.

[FR Doc.76-34002 Filed 11-17-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-104)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON AERONAUTICAL PROPULSION

Meeting

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion will meet on December 6-8, 1976, at the NASA Dryden Flight Research Center, Edwards, California 93523. The meeting will be held in Conference Room 2000 of Building 4800. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 25 persons. All visitors must report to the Dryden Flight Research Center Receptionist in Building 4800.

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion was established to advise NASA's senior management in the areas of aeronautical propulsion research and technology. The Committee studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out an aeronautical propulsion program of greatest benefit to the nation.

There are 13 members on the Aeronautical Propulsion Committee. The current Chairman is Mr. Morris A. Zipkin. The Agenda for the meeting will be published within one week.

For further information, please contact Mr. Harry W. Johnson, Code RL, NASA Headquarters, Washington, DC

20546, telephone Area Code 202, 755-3003.

NOVEMBER 12, 1976.

JOHN M. COULTER,
Acting Assistant Administrator
for DOD and Interagency
Affairs, National Aeronautics
and Space Administration.

[FR Doc.76-33985 Filed 11-17-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Meeting

NOVEMBER 9, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that meetings of the Fellowships Panel will be held at 806 15th Street NW room 314, Washington, D.C. on December 13, 1976.

The purpose of the meetings is to review Summer Stipend applications submitted to the National Endowment for the Humanities for 1977 summer grants.

Because the proposed meetings will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW, Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.76-34016 Filed 11-17-76;8:45 am]

DANCE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will be held on December 4, 1976, from 10:00 a.m.-5:45 p.m. and December 5-6, 1976, from 9:00 a.m.-6:00 p.m., in New York City, New York. The session on December 4, from 10:00 a.m.-2:15 p.m., will be held in the Auditorium, New York Public Library at Lincoln Center, 111 Amsterdam Avenue. On December 4, from 2:15 p.m.-5:45 p.m., the meeting will be in the Astor Gallery, New York Public Library at Lincoln Center. Sessions on Decem-

ber 5, will be held in the conference room, Essex House Hotel, 160 Central Park South. The December 6 sessions will be held in the Metropolitan Opera Board Room, Lincoln Center.

A portion of this meeting will be open to the public on December 4, from 10:00 a.m.-1:00 p.m., and 3:45 p.m.-5:45 p.m. on a space available basis. Accommodations are limited. During the morning open session there will be a dance workshop and the afternoon session will consist of a review of the Dance Touring Program guidelines.

The remaining sessions of this meeting on December 4, from 1:00 p.m.-3:45 p.m. and December 5-6, from 9:00 a.m.-6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
*Administrative Officer, National
Endowment for the Arts,
National Foundation on the
Arts and the Humanities.*

[FR Doc.76-34108 Filed 11-17-76; 8:45 am]

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held on December 2-3, 1976, from 9:30 a.m.-6:00 p.m., in Room 1115, Columbia Plaza Building, 2401 E Street, NW, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee

Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
*Administrative Officer, National
Endowment for the Arts, Na-
tional Foundation on the Arts,
and the Humanities.*

[FR Doc.76-34109 Filed 11-17-76; 8:45 am]

NATIONAL SCIENCE FOUNDATION SCIENCE APPLICATIONS TASK FORCE Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), I have hereby determined that the establishment of the Science Applications Task Force is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a) (2) of the Federal Advisory Committee Act and OMB Circular A-63, Revised.

1. Designation: Science Applications Task Force.
2. Purpose: To provide advice and assessments and make recommendations to the NSF Director on science applications programs and related organization and management issues.
3. Establishment and duration: The Task Force is effective on the date the charter is filed with the Director, NSF, and the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The Task Force will continue for one calendar year from the date of this filing.
4. Membership: The Task Force will consist of approximately 16 members selected for their ability to conduct, manage, or direct science applications activities. Membership on the Task Force will be reasonably balanced in terms of geographic distribution, size and type of organizations represented, ethnic minorities, and sex.
5. Task Force operation: The Task Force will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); Foundation policy and procedures; OMB Circular A-63, Revised; and other directives and instructions issued in implementation of the Act.

E. C. CREUTZ,
Acting Director.

NOVEMBER 15, 1976.

[FR Doc.76-34087 Filed 11-17-76; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-556 and STN 50-557]

PUBLIC SERVICE CO. OF OKLAHOMA
ET AL.

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

In the matter of Public Service Co. of Oklahoma, Associated Electric Coopera-

tive, Inc., and Western Farmers Electric Cooperative.

Public Service Company of Oklahoma, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed, on August 23, 1976, information requested by the Attorney General for Antitrust Review as required by 10 CFR 50, Appendix L. This information adds Western Farmers Electric Cooperative as a joint owner of the Black Fox Station, Units 1 and 2. The information was filed in connection with Public Service Company of Oklahoma and Associated Electric Cooperative, Inc.'s plans to construct and operate two boiling water nuclear reactors near the Town of Inola, Rogers County, Oklahoma. The original antitrust portion of the application was submitted on November 20, 1974, by Public Service Company of Oklahoma. The Notice of Receipt of the Antitrust Application was published in the FEDERAL REGISTER under Docket No. P-531-A on January 17, 1975 (40 FR 3030).

The remaining portions of the application, consisting of general and financial information and a Preliminary Safety Analysis Report accompanied by an Environmental Report were docketed on December 23, 1975 and assigned Docket Nos. STN 50-556 and STN 50-557. The docketed application contained an additional owner, Associated Electric Cooperative, Inc. Notice of Receipt of Application for Construction Permits and Operating Licenses and Availability of Applicants' Environmental Report was published in the FEDERAL REGISTER on January 23, 1976 (41 FR 3517). The Notice of Hearing was also published on January 23, 1976 (41 FR 3515).

A copy of all the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Tulsa City-County Library, 400 Civic Center, Tulsa, Oklahoma 74102.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Antitrust and Indemnify Group, Nuclear Reactor Regulation on or before December 27, 1976.

Dated at Bethesda, Maryland, this 20th day of October, 1976.

For the Nuclear Regulatory Commission.

OLAN D. FARR,
*Chief, Light Water Reactors,
Branch No. 3, Division of
Project Management.*

[FR Doc.76-31351 Filed 10-27-76; 8:45 am]

[Docket Nos. 50-348A; 50-304A]

ALABAMA POWER CO. (JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2)

Antitrust Proceeding; Rescheduling of Oral Argument

Please take notice, that the Atomic Safety and Licensing Board has rescheduled oral argument in the above-captioned proceeding from Thursday,

November 18, 1976, at East West Towers, 4350 East West Highway, Bethesda, Maryland 20014, 5th Floor Hearing Room, commencing at 10:00 A.M., to Monday, November 22, 1976, at East West Towers, 4350 East West Highway, Bethesda, Maryland 20014, 5th Floor Hearing Room, commencing at 10:00 A.M.

Applicant, Alabama Power Company (AP Co.) shall be allocated a total of two (2) hours to make its presentation, but may reserve part of this time allotment for rebuttal.

The Department of Justice (DJ), Intervenor Alabama Electric Cooperative (AEC) and Municipal Electric Utility Association (MEUA) and the Regulatory Staff of the Nuclear Regulatory Commission (Staff) shall be allocated a combined total of two (2) hours to make their presentation, but may reserve part of this time allotment for rebuttal. The Atomic Safety and Licensing Board encourages DJ, AEC, MEUA and Staff to apportion their allotted time in a manner which will be conducive to an orderly presentation.

The oral argument will be presented in the following order: DJ, AEC, MEUA and Staff (2 Hours); Alabama Power Co. (2 Hours).

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
MICHAEL L. GLASER,
Chairman.

NOVEMBER 4, 1976.

[FR Doc.76-34317 Filed 11-17-76;10:01 am]

[Docket No. 50-264]

DOW CHEMICAL CO.

Proposed Renewal of Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering renewal of Facility License No. R-108 (the license) issued to the Dow Chemical Company (the licensee), for operation of the TRIGA Mark I type nuclear reactor, located in Midland, Michigan.

The renewal would extend the expiration date of the license to December 20, 1986, in accordance with the licensee's application for renewal dated March 11, 1976, as supplemented November 5, 1976.

Prior to renewal of the license, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By December 20, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the renewal of the subject facility license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set

forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this Federal Register notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for license renewal dated March 11, 1976, as supplemented November 5, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland, this 15th day of November 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
*Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.*

[FR Doc.76-34318 Filed 11-17-76;10:01 am]

[Docket No. 50-389]

FLORIDA POWER & LIGHT CO. (ST. LUCIE NUCLEAR POWER PROJECT, UNIT NO. 2)

Order for Evidentiary Hearing

Take notice that an evidentiary hearing on all the matters remaining outstanding in the captioned matter is hereby scheduled to begin on Wednesday, December 1, 1976 at 9:30 a.m., in

the East Courtroom, U.S. Post Office and Courthouse Building, 300 N.E. First Avenue, Miami, Florida. The hearing will continue, if necessary, at this place through Saturday, December 4, 1976.

So ordered.

Dated at Bethesda, Maryland, this 10th day of November 1976.

THE ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.76-34319 Filed 11-17-76;10:01 am]

[Docket No. RM-50-5]

GENERIC ENVIRONMENTAL STATEMENT ON MIXED OXIDE FUEL

Order Convening Hearing

The hearing noticed by the Commission in its Notice of Hearing published in the FEDERAL REGISTER January 6, 1976 (41 FR 1133) is hereby scheduled to convene at 9:30 a.m. on Tuesday, November 30, 1976. It will be held in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N.W., Washington, D.C. The hearing will commence with the questioning by the Board of the NRC Staff's witnesses on the final GESMO I.

It is so ordered.

Dated at Madison, Wisconsin, this 14th day of November 1976.

For the GESMO hearing board.

GEORGE BUNN,
Chairman.

[FR Doc.76-34320 Filed 11-17-76;10:01 am]

[Docket No. 50-549]

POWER AUTHORITY OF THE STATE OF NEW YORK (GREENE COUNTY NUCLEAR POWER PLANT)

Order for Prehearing Conference

A Special Prehearing Conference will be held by the Atomic Safety and Licensing Board on November 23, 1976, beginning at 10 a.m. at the Friar Tuck Inn on Route 32N, Catskill, N.Y. This conference will consider the matters listed in 10 CFR Section 2.751a including the setting of a discovery schedule.

Representatives of the parties will attend and members of the public may do so. This conference is to be held for the purpose of considering preliminary matters and not for the purpose of hearing limited appearances from members of the public.

It is so ordered.

Dated at Bethesda, Maryland, this 15th day of November 1976.

THE ATOMIC SAFETY AND LICENSING BOARD,
FREDERIC J. COUFAL,
Chairman.

[FR Doc.76-34321 Filed 11-17-76;10:01 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-47]

PIPELINE SAFETY RECOMMENDATIONS AND RESPONSE

Availability and Receipt

Urgent followup action was recommended November 12 by the National Transportation Safety Board in a letter addressed to the Wisconsin Natural Gas Company of Racine, Wisconsin. The four Class I recommendations, Nos. P-76-83 through P-76-86, were made following Board investigation of an explosion and a fire which last August 29 destroyed a house in Kenosha, Wisconsin. Two persons were killed, four persons were injured, and two adjacent houses were damaged.

The destroyed house was not served by natural gas. However, natural gas, which was escaping at 58 psig pressure from a punctured 2-inch plastic main located 39 feet away, had entered the house through a 6-inch sewer lateral. The gas was ignited by an unknown source. Investigation disclosed that the gas main, perpendicular to the sewer tile, had been installed by boring through the bottom of the sewer tile.

In July 1975, the Wisconsin Natural Gas Company (Wisconsin) employed a contractor to construct the gas main parallel to the curb where the house was situated. The contractor used a combination of open trenching and pneumatic boring techniques to install the main. An experienced Wisconsin employee inspected the construction. His daily log, turned in to his supervisor each evening, recorded that a sewer lateral had been broken a block away during the construction. While supervisory personnel reviewed the logs to determine the status of construction and to identify any unusual related circumstances, construction procedures were not changed as a result of this recorded break.

Shortly after construction was completed, residents of the later destroyed house discovered a blockage in their sewer lateral and contracted to have it cleaned out. A first cleaning attempt was unsuccessful. During a second cleaning attempt, an auger inserted into the 6-inch lateral struck and ruptured the 2-inch plastic main.

The Board notes that the day after the accident, Wisconsin excavated four sewer laterals near the ruptured gas main and found that two of these laterals had been damaged during the gas main construction when the gas main was installed partially inside the sewer laterals. Wisconsin is continuing to excavate, inspect, and repair when necessary the sewer laterals along the street where the accident occurred.

In view of its findings, the Board recommended that Wisconsin (1) complete inspection of those locations along the construction route where gas mains and sewer laterals may be in proximity to one another and correct any deficiencies

(recommendation P-76-83); (2) examine its records to determine other locations where gas lines were installed near existing sewer facilities (including a review of sewer blockages complaints), then inspect these locations, and take corrective action where necessary (P-76-84); (3) revise its construction standards to require that underground facilities be located accurately before construction and to provide protection for these facilities near boring operations (P-76-85); and (4) inform its inspectors and supervisory personnel of the circumstances of this accident, train them to be alert for similar conditions, and advise them of preventive actions (P-76-86).

The Materials Transportation Bureau, by letter dated November 1, has responded for the Department of Transportation to Safety Board recommendations P-76-20 and P-76-21 which were issued following investigation of the Mid-America Pipeline System's accident which occurred last February 25 near Whitharral, Texas. (See 41 FR 26079, June 24, 1976.)

MTB states that recommendation P-76-20 is essentially the same as recommendation P-76-2 which resulted from investigation of the Southern Union Gas Company's March 1974 accident near Farmington, New Mexico. MTB responded to P-76-2 on April 19 (41 FR 18731, May 6, 1976) and states that its response to that recommendation addressed in detail the ongoing Office of Pipeline Safety (OPSO) activity relative to the welded seam problem in both the gas and liquid pipeline industries. MTB comments that activity relative to the welded seam problem will continue, and regulatory action as appropriate for the problems identified will be taken. A copy of MTB's April 19 letter, with a revised Appendix summarizing the seam weld failures, is attached to MTB's November 1.

Recommendation P-76-21 asked DOT to request all pipeline companies which have installed electric resistance weld (ERW) pipe manufactured by the Jones and Laughlin Steel Corporation to review their records on longitudinal seam failures, determine if the number of such failures is abnormally high, and, after review of these data, take necessary corrective action. In response, MTB states that it will not conduct the requested review since sufficient data is not available to perform a meaningful review of the performance of the ERW pipe. However, MTB indicates that OPSO does have other action planned which MTB believes will accomplish the ultimate goal of recommendation P-76-21. From previous studies and evaluations of accident statistics, according to MTB, there is a need for liquid pipeline operators to qualify the maximum operating pressure of the pipelines, particularly for those transporting highly volatile or toxic liquids. Therefore, MTB proposes that operators thoroughly evaluate the physical condition of their pipelines; where a pipeline does not meet certain specified criteria,

the operator will be required to upgrade the condition to conform to that criteria.

In MTB's opinion this "will minimize any future safety problems with longitudinal welds since experience has shown that a longitudinal weld problem of the type addressed in this report has not occurred or has been eliminated where a test has been performed at a pressure substantially above the operating pressure." OPSO plans to issue a notice of proposed rulemaking on this subject, tentatively scheduled during 1977.

The safety recommendation letter is available to the general public; single copies may be obtained without charge. Copies of the letter, responding to safety recommendations may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2173 (49 U.S.C. 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

NOVEMBER 15, 1976.

[FR Doc.76-34052 Filed 11-15-76; 8:15 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 11, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

SMALL BUSINESS ADMINISTRATION

Survey of Women Business Owners, Single-time, 1,000 women business owners, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census:

National Longitudinal Surveys, Survey of Work Experience of Mature Women—1977 Questionnaire and Advance Letter, LGT 381,383, Annually, Women between ages of 30-44 in 1967, George Hall, 395-6140.

Economic Development Administration:

LPW-Project Completion Report, ED-745, On occasion, Units of local government, Lowry, R. L., 395-3772.

DEPARTMENT OF DEFENSE

Departmental and Other, questionnaire on Industrial Security Procedures and Practices outside the United States, single-time, industrial firms with DOD facility clearances, National Security Division, Caywood, D. P., 395-4734.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:

Records of SSI Inquiry, SSA-3462, other (see SF-83), Persons who inquire about payments under title XVI of SS Act, Caywood, D. P., 395-3443.

Office of Human Development:

Instruction for Completing Application for Federal Assistance for RSA Special Projects and Facilities, Grants, HEW-608T, annually, Government agencies and institutions of higher education and private non-profit, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Departmental and other:

Request for Proposal DOT-OST-039, single-time, freight shippers, Strasser, A., 395-5867.

Federal Aviation Administration:

Airport Financial Statement and Related Instructions, Re Terminal Area Financial Data, FAA 5100-SSO, single-time, 196 selected public airports, Lowry, R. L., 395-3772.

REVISIONS

VETERANS ADMINISTRATION

Application for Designation As Compliance Inspector, 26-6683, on occasion, contractors, architects, builders, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, Social Services Expenditures under Title XX (SSA) SRS-OA 41.1, SRS-OA 41.1, SRS-OA 41, quarterly, state's welfare agencies, Caywood, D. P., 395-3443.

EXTENSIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Project Grand Application, NEA-3, on occasion, charitable and educational organizations, Warren Topellius, 395-5872.
Cash Request and Fiscal Report Form, NEA-7, on occasion, charitable and educational institutions, Warren Topellius, 395-5872.

DEPARTMENT OF DEFENSE

Departmental and other:

Contract Funds Status Report (CFSR), DD 1586, quarterly, Contractors, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

Report to the DHEW to 45 CFR 80.6 on the Specific Use of Federal Financial Assistance, OS 40-74, on occasion, recipients of

federal financial assistance, Laverne V. Collins, Lowry, R. L., 395-5867.

PHILIP D. LARSEN,
Budget and Management Officer.
[FR Doc.76-34132 Filed 11-17-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 12, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

New Forms

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFER

Cost Benefit Analysis, an Interview Guide for Gathering of Sample Data, single-time, financial institutions, Caywood, D. P., 395-3443.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census:

Farm Machinery and Equipment, MA-35A, annually, manufacturing establishments, Cynthia Wiggins, 395-5631.
Mining Machinery, MA-35F, annually, manufacturing establishment, Cynthia Wiggins, 395-5631.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration:

Annual Summary Report of Railroad Injury and Illness, FRA-F6180-45, annually, railroads, Ellett, C.A., 395-5867.
Railroad Injury and Illness Summary, 6180-55, Monthly, U.S. railroads, Ellett, C.A., 395-5867.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Professional Standards Review Organization Routine Federal Reporting Requirements, HSABQA 0606, quarterly, all funded conditional PSROS and delegated hospitals, Richard Elsinger, 395-6140.
Food and Drug Administration, Drug Experience Report (short form), FD 1639, on occasion, physicians and other medical professionals, Richard Elsinger, 395-6140.

PHILIP D. LARSEN,
Budget and Management Officer.
[FR Doc.76-34131 Filed 11-17-76;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science Engineering and Technology Advisory Panel.

Date: December 7, 1976.

Time: 9 a.m. to 4:30 p.m.

Place: New Executive Office Building, 726 Jackson Place, NW., Room 2008, Washington, D.C.

Type of meeting: Open.

Contact person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President, telephone (202) 395-4931. Anyone who plans to attend should contact Mr. Blair by December 3, 1976.

Purpose of the panel: The Intergovernmental Science Engineering and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify state, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

TENTATIVE AGENDA

Welcome and Introductory Remarks by the Director of the Office of Science and Technology Policy.

Review of on-going activity related to the Panel's charter.

Discussion of future Panel activities.

WILLIAM J. MONTGOMERY,
*Executive Officer, Office of
Science and Technology Policy.*

NOVEMBER 12, 1976

[FR Doc.76-34017 Filed 11-17-76;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

Proclamation

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the railroad unemployment insurance account as of the close of business on September 30, 1976, was a deficit of \$420,743.74. Based on this balance and pursuant to the table in section 8(a) of the Railroad Unemployment Insurance Act, the contribution rate to finance the railroad unemployment insurance program for calendar year 1977 shall be 8.0 percent.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 12th day of November 1976.

Dated: November 12, 1976.

JAMES L. COWEN,
Chairman.
NEIL P. SPEERS,
Member.

By the Railroad Retirement Board,

R. F. BUTLER,
Secretary of the Board.

[FR Doc.76-34082 Filed 11-17-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12970; File Nos. SR-MCC-76-6 and SR-MSTC-76-17]

MIDWEST CLEARING CORP. AND MIDWEST SECURITIES TRUST CO.

Proposed Rule Changes; Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 1, 1976, the above-mentioned self-regulatory organizations filed with the Securities and Exchange Commission proposed rule changes as follows:

(Brackets indicate deletions; italics, new material)

Statement of the Terms of Substance of the Proposed Rule Changes

AUTOMATIC STOCK LOAN CHARGE—EFFECTIVE NOVEMBER 1, 1976—LOAN VALUE POSITION

(Charged on daily average loan value for the month)

[\$.0009/DAY] \$.0015/DAY

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule changes is to increase the Automatic Stock Loan Charge to a level more realistically related to the operating costs of the clearing corporation and the depository company.

The proposed rule changes represent a reasonable allocation of charges among participants.

Comments were neither solicited nor received.

The Midwest Clearing Corporation and the Midwest Securities Trust Company believe that no burdens have been placed on competition.

The foregoing rule changes have become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filings with respect to the foregoing and of all written submissions will be available for inspection

and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers referenced in the caption above and should be submitted on or before December 9, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

NOVEMBER 12, 1976.

[FR Doc.76-34018 Filed 11-17-76;8:45 am]

[Release No. 34-12960; File No. SR-MSRB-76-10]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 4, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The amendment to rule A-13 filed by the Municipal Securities Rulemaking Board (the "Board") reduces the fee to be paid by a municipal securities broker or municipal securities dealer under rule A-13 from .005 percent (\$.05 per \$1,000) to .003 percent (\$.03 per \$1,000) of the face amount of all municipal securities which are purchased from an issuer as part of a new issue by or through such municipal securities broker or municipal securities dealer and which have a final stated maturity of not less than two years from the date of the securities.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of the proposed rule change is to reduce the assessment rate under rule A-13. Rule A-13 provides a continuing source of revenue to defray the costs and expenses of operating and administering the Board.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board has adopted the proposed rule change pursuant to sections 15B(b)(2)(I) and 15B(b)(2)(J) of the Securities Exchange Act of 1934, as amended (the "Act"). Section 15B(b)(2)(J) of the Act authorizes and directs the Board to adopt rules providing for the assessment of municipal securities brokers and municipal securities dealers to defray the

costs and expenses of operating and administering the Board. Section 15B(b)(2)(I) authorizes and directs the Board to adopt rules providing for the operation and administration of the Board.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

Comments have not been solicited or received on the proposed rule change.

BURDEN ON COMPETITION

In the opinion of the Board, the proposed rule change does not constitute a burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Act. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 20, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 8, 1976.

[FR Doc.76-33976 Filed 11-17-76;8:45 am]

[Release No. 34-12974]

INTEGRATED NATIONWIDE SYSTEM Resolution of Investor Disputes

The Commission announced that it has received a report from the Office of Consumer Affairs pursuant to the directive contained in the May 20, 1976 release creating that Office that a study be made of the need for a possible structure of an investor dispute resolution system. In its report, the Office of Consumer Affairs advised the Commission that, after extensive analysis of the origin, nature and disposition of investor complaints against registered brokerage firms and evaluation of public comments on this subject (see Securities Exchange Act. Rel. No. 34-12528, June 9, 1976, 41 FR 23803), the Office has concluded that

the existing mechanisms for resolving such controversies, viz, litigation and industry-sponsored arbitration, could be more responsive to the needs of investors. The Office has recommended the creation of a three part integrated, nationwide system for complaint processing and the resolution of investor disputes.

THE RECOMMENDED SYSTEM

The first stage of the system would operate at the level of brokerage firms with public customers. The Office has recommended that each such firm be required to institute a system for the receipt, processing and disposition of investor complaints in a manner that will insure full and fair consideration of the complaint's merits within the firm and which will result in periodic reporting of relevant information to the Commission and self-regulatory organizations.

The second part of the system would be a uniform mediation-arbitration code that would provide for the efficient and economical arbitration of disputes, but would not be burdensome, complex or costly to the investor. In order to encourage the voluntary resolution of disputes without proceeding to full arbitration, all parties to a dispute submitted for disposition under the code would be required to engage in nonbinding, informal mediation as a condition precedent to formal arbitration. In order to keep administrative and operational costs to a minimum and to offer most investors a mechanism for the expeditious resolution of disputes, the arbitration code would include a streamlined, abbreviated arbitration format for disputes of less than \$5,000.

The third element of the system would focus on those small dollar claims which may not be litigated or arbitrated in an economical or timely manner, i.e. claims of less than \$1,000. To resolve these disputes, the Office has recommended the establishment of a network of professional small claims adjusters, who would consider statements submitted by all interested parties. Under appropriate guidelines, the adjusters would be empowered to make a settlement offer to the investor which, if accepted, would be paid by the firm on condition that the investor release all rights to any further compensation.

ADMINISTRATION OF THE SYSTEM

In order to instill investor confidence in the system, to insure uniform policy decisions and administration of the mediation-arbitration code, and in furtherance of the objectives of a national market system, the Office has recommended that a new, quasi-independent entity be established by the self-regulatory organizations to administer the system. This entity would (1) serve as a nationwide clearinghouse for investor disputes; (2) facilitate the informal resolution of disputes by (a) directing complaining investors to the in-house complaint processing procedures established by the brokerage firms with public customers, and (b) maintaining a network

of small claims adjusters; and, (3) administer the uniform mediation-arbitration program by calling on a nationwide panel of arbitrators to provide arbitration in most major cities.

THE COMMISSION'S VIEWS ON THIS REPORT

The Office of Consumer Affairs advised the Commission that the absence of a fully effective, responsive system for the assertion and resolution of investor complaints with registered brokerage firms, in the Office's view, suggested that individual investors may not have, in every respect, the measure of protection anticipated by the federal securities laws, including the just and equitable principles of trade which regulated exchanges and associations are required to enforce.

The Commission agreed that such a system is necessary and appropriate and stated that it is in the best interests of all parties that investor disputes be resolved as quickly and informally as possible with minimum Government involvement and minimum expense to both the industry and the investor. Observing that the implementation of the system recommended by the Office of Consumer Affairs would require the coordination of many segments of the securities industry and further consideration of numerous practical problems, the Commission today announced that it approved in principle the dispute resolution system as outlined by the Office of Consumer Affairs.

OPPORTUNITY FOR PUBLIC COMMENT

Before commencing a formal rulemaking proceeding or requesting that the self-regulatory organizations amend their rules, the Commission invited all interested persons to submit their comments by December 31, 1976, on the system proposed by the Office of Consumer Affairs. A copy of the report may be obtained through the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

The Commission specifically invited comment on the following questions:

a. Whether the in-house complaint processing procedures to be adopted by brokerage firms with public customers should have attributes in addition to those recommended by the Office of Consumer Affairs.

b. Whether the \$5,000 ceiling on disputes that would be eligible for streamlined arbitration under the mediation-arbitration code and the \$1,000 limitation for disputes that may be considered by the small claims adjusters are appropriate.

c. Whether persons employed as small claims adjusters should be permitted to be employed simultaneously by segments of the securities industry.

d. Whether there are other administrative alternatives that would achieve the objectives set forth in the report.

Comments should be sent to the attention of the Commission's Secretary, George A. Fitzsimmons, 500 North Capitol Street, Washington, D.C. 20549, in triplicate, if possible. All comments will

be available for public inspection at the Commission's Public Reference Room in Washington, D.C., in file S7-639.

ANNOUNCEMENT OF A PUBLIC FORUM

The Commission also announced that a public forum will be held in Washington, D.C. in late January, 1977, for the purpose of receiving oral presentations from a representative selection of persons who have submitted written comments. Persons wishing to participate in this forum should make a request in their written submission.

DESIGNATION OF AN ADVISORY COMMITTEE

After review of the public comments and following the public forum, the Commission will designate an advisory committee to develop specific recommendations for implementation of the investor dispute resolution system. Among other things, the advisory committee will be expected to submit to the Commission (a) A proposed mediation-arbitration code, (b) Operational guidelines for the small claims adjusters, and (c) Recommendations concerning the creation and size of the administrative entity.

Recommendations for persons to serve on this advisory committee should be sent to the attention of the Acting Director of the Office of Consumer Affairs, Van P. Carter, 500 North Capitol Street, Washington, D.C. 20549. Each recommendation should be accompanied by a short biography of the person recommended, and all recommendations must be received by February 1, 1977.

For the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

NOVEMBER 15, 1976.

[FR Doc. 76-34019 Filed 11-17-76; 8:45 am]

[File Nos. 3-5115, 2-13523 (22-2175)]

EL PASO NATURAL GAS CO.

Application and Opportunity for Hearing

NOVEMBER 16, 1976.

In the Matter of EL PASO NATURAL GAS COMPANY File No. 2-13523 (22-2175); Trust Indenture Act of 1939 Section 310(b) (1) (ii).

Notice is hereby given that El Paso Natural Gas Company ("El Paso") has filed an application under Clause (ii) of Section 310(b) (1) of the Trust Indenture Act of 1939 ("the Act") for a finding that the trusteeship of Citibank, N.A. ("the Bank") under the Indenture dated August 1, 1976 (the "1976 Indenture") and under the Indenture dated September 12, 1957 (the "1957 Indenture"), are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under the 1957 Indenture.

Section 9.08 of the 1957 Indenture, which is included in the Indenture pursuant to Section 310(b) of the Act, provides in part that, "[I]f the Trustee has or shall acquire any conflicting interest,

as defined in this . . . [section], it shall, within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign in the manner provided * * * Subsection (c) (1) of this Section provides, with certain exceptions stated therein, that the Trustee is deemed to have a conflicting interest if it becomes trustee under another indenture of the "Company." However, pursuant to clause (ii) of said subsection (c) (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of the "Company" are outstanding, if the "Company" shall have sustained the burden of proving on application to the Commission and after opportunity for hearing thereon, that the trusteeship under the 1976 Indenture is not so likely to involve a material conflict of interest to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under the 1957 Indenture.

The Company alleges the following:

1. It has issued and outstanding:
 - a. \$5,972,100 principal amount of its 5¼ percent convertible debentures due September 1, 1977 under an indenture dated as of September 12, 1957 between the Company and City Bank Farmers Trust Company (which was converted into a national banking association named First National City Trust Company) Trustee. The First National City Bank of New York (now named Citibank, N.A.) became Trustee under the 1957 Indenture by virtue of its merger with First National City Trust Company on February 1, 1963. The 1957 Indenture was filed as an Exhibit to the Registration Statement (File No. 2-13523 (22-2175).)
 - b. 8,718,000 principal amount of its 5½ percent Sinking Fund Debentures due May 1, 1979 under an indenture dated as of May 1, 1959 between the El Paso and the Bank, Trustee. The Indenture was filed as an Exhibit to El Paso's Form 8-K dated June 9, 1959. The Indenture was not qualified under the Act. Pursuant to El Paso's application therefor the Securities and Exchange Commission issued its Order, dated April 8, 1963, granting the Application and finding the trusteeship of the Bank under the 1957 Indenture and this Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under either of said indentures.
 - c. \$46,697,000 principal amount of its 7¾ percent Sinking Fund Debentures due August 1, 1988 under an Indenture dated as of August 1, 1968 between El Paso and the Bank Trustee; \$50,086,000 principal amount of its 10¼ percent Sinking Fund Debentures due June 1, 1990 under an Indenture dated as of June 1, 1970 (the "1970 Indenture") between El Paso and the Bank, Trustee; and 66,899,000 principal amount of its 8¼ percent Sinking Fund Debentures

due June 1, 1992 under an Indenture dated as of June 1, 1972 (the "1972 Indenture") between El Paso and the Bank, Trustee. The Indentures were filed as Exhibits to reports and registration statements filed with the S.E.C. None of these Indentures were qualified under the Act. Pursuant to El Paso's application therefor, the S.E.C. issued its Order, dated October 17, 1972 granting the Application and finding that the trusteeship of the Bank under the 1957 Indenture and under the 1968, 1970 and 1972 Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee thereunder. Since the issuance of said Order, the Bank has continued to act as Trustee under the 1957, 1968, 1970 and 1972 Indentures.

2. Additionally, El Paso has issued an outstanding \$70,000,000 principal amount (and proposes to issue an additional \$30,000,000 principal amount of its 10½ percent Sinking Fund Debentures due June 30, 1988 under an Indenture dated as of August 1, 1976 (the "1976 Indenture") between El Paso and the Bank, Trustee. The Indenture has not been qualified under the Act. It is this Indenture which is the subject of El Paso's Application.

3. The 1957 Indenture and the 1976 Indentures are wholly unsecured and all securities issued thereunder will rank equally.

4. The differences between the 1957 Indenture and the 1959, 1964, 1968, 1970 and 1972 Indentures, and the differences among the Non-Qualified Indentures were stated and analyzed in the Applications previously filed by El Paso. Additional differences existing between the 1957 Indenture and the Non-Qualifying Indentures, as a consequence of the First 1974 Supplements are as follows.

(a) Revision of the definitions of certain terms, and certain other changes to reflect the divestiture of the company's Northwest Division.

(b) Deletion of the maximum dollar amount of current debt while retaining the percentage of funded debt limitation.

(c) Updating the restriction on the payment of dividends and the making of other distributions.

Further differences, existing between the 1957 Indenture and the Non-Qualifying Indentures, as a consequence of the Second 1974 Supplements are as follows.

(a) Definitions of new terms were added, and certain changes were made in existing definitions.

(b) Certain changes in the provision relating to home office payment of debentures were made.

(c) Certain changes in the provision relating to the requirements for certificates of available gas supply, including the inclusion, under certain circumstances of liquified natural gas and synthetic gas in "available gas supply."

(d) The limitations on investments by the Company and its subsidiaries were revised.

(e) Restrictions were added on the dealings between the company and its subsidiaries and controlled corporations.

(f) The provisions relating to maintaining records and determining depreciation and depletion charges.

5. Except for those differences referred to in the 1963, 1964 and 1972 Applications, the Non-Qualified Indentures, as supplemented by the First 1974 Supplements and the Second 1974 Supplements, and the 1976 Indenture are substantially identical, differing only in that the 1976 Indenture:

(a) Adds a definition of the term "control";

(b) Revises the definition of "Funded Debt";

(c) Revises certain limitations (Sections 5.08, 5.08B and 5.09) with respect to "current debt" and "consolidated current debt";

(d) Restricts the Company's transfer of a major portion of the company's natural gas pipe line system to any affiliate (Section 5.16);

(e) Revises the provisions (Section 6.02) defining events of default to add certain additional events;

(f) Makes certain changes with respect to the duties of the Trustee (Section 7.01(b) and (e)); and

(g) Extends the consolidation, merger and sale provisions (Article Eight) to cover subsidiaries and controlled corporations and makes certain other changes therein.

The company hereby waives notice of hearing, and waives hearing, in connection with the matter referred to in this Application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said Application, which is a public document on file in the office of the Commission at 500 North Capitol Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than December 10, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-34304 Filed 11-17-76;9:25 am]

SMALL BUSINESS ADMINISTRATION

SAN DIEGO DISTRICT ADVISORY COUNCIL Meeting

The Small Business Administration San Diego District Advisory Council will hold a public meeting at 4 p.m., Thursday, December 9, 1976, at 880 Front Street, Suite 4-S-33, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Mr. F. D. Sergeant, at the above address (714) 895-5430.

Dated: November 12, 1976.

HENRY V. Z. HYDE, Jr.,
*Deputy Advocate for
Advisory Councils.*

[FR Doc. 76-33990 Filed 11-17-76; 8:45 am]

[Delegation of Authority No. 30, Rev. 15,
Amdt. 12]

SBA FIELD OFFICES

Delegation of Authority

Delegation of Authority No. 30, Revision 15, republished in the FEDERAL REGISTER on February 25, 1976 (41 FR 8240), as amended, (41 FR 16234, 17829, 28049, 36702 and 47610), is hereby further amended to delegate increased authority to SBA field offices to take final action on liquidation matters and on offers to compromise claims.

Actions taken prior to the effective date of this document are hereby ratified to the extent they would have been authorized had this delegation been in effect.

Accordingly, Delegation of Authority No. 30, Revision 15, Parts IV and V, are amended as set forth below:

Effective Date: November 18, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

PART IV—PORTFOLIO MANAGEMENT (PM) PROGRAM

SECTION A—PORTFOLIO MANAGEMENT, SERVICING, COLLECTION, AND LIQUIDATION AUTHORITY

1. To take all necessary action in connection with the administration, servicing, collection, and liquidation of all SBA loans (and EDA loans in liquidation when and as authorized by EDA) and lease guarantees, exclusive of matters in litigation, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate these granted powers.

Except: a. To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereof;

b. To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or a lease guarantee;

c. To authorize suit for recovery from a participating institution under any alleged violation of a participation or guaranty agreement; or

d. To accept a lump sum settlement or to purchase property under a lease guarantee:

- (1) Regional Director;
- (2) Assistant Regional Director for F&I;
- (3) District Director;
- (4) Assistant District Director for F&I;
- (5) Branch Manager (full service branches only);
- (6) Chief, Portfolio Management Division, D/O;
- (7) Supervisory Loan Specialist, Portfolio Management Division, D/O;
- (8) Supervisory Loan Specialist, Liquidation Section, D/O;
- (9) Assistant Branch Manager for F&I, Biloxi Branch Office only;
- (10) Chief, PM Division, Biloxi Branch Office.

2. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all SBA loans (and EDA loans in liquidation when and as authorized by EDA) and lease guarantees, exclusive of matters in litigation; and to do and perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate these granted powers.

Except: a. To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon;

b. To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or a lease guarantee;

c. To initiate suit for recovery from a participating institution under any alleged violation of a participation or guaranty;

d. To authorize the liquidation of a loan (except Disaster Home Loans) or to cancel authority to liquidate; or

e. To accept a lump sum settlement or to purchase property under a lease guaranty:

- (1) Branch Manager (limited servicing branches);
- (2) Chief, PM Division, B/O (full servicing branches);
- (3) Supervisory Loan Specialist, PM Division B/O (full servicing branches).

3. Other Portfolio Management Authority.
a. To take only the following actions on loans in a current status:

- (1) Approve editorial modifications in loan authorizations;
- (2) Extend disbursement periods on loans partially undisbursed;
- (3) Release cash surrender value or dividends to pay premiums due on assigned policy;
- (4) Extend initial principal payment dates or adjust interest payment dates;
- (5) Release equipment (or hazard insurance checks) where the total value being released does not exceed \$500:

(a) Loan Specialist, Portfolio Management Division, D/O or B/O;

(b) Loan Specialist, Liquidation Section, D/O or B/O.

PART V—CLAIMS REVIEW COMMITTEE SECTION A—AUTHORITY TO COMPROMISE CLAIMS

1. District Claims Review Committee. This Committee shall consist of three incumbents (or those officially acting in their behalf) in the following order of position classification. The first member identified in this order shall serve as chairman.

Liquidation Chief (or liquidation supervisor).

PM Chief (or PM supervisor).

District Counsel.

FD Chief (or FD supervisor).

However, the District Director may, at his option, establish an alternative committee

membership consisting of the Assistant District for Finance and Investment, acting as chairman, District Counsel and the Assistant District Director for Management Assistance or those officially acting in their behalf. Authority is delegated to take final action on:

a. Claims not in excess of \$50,000 (excluding interest) upon unanimous vote of the Committee.

2. Regional Claims Review Committee. This Committee shall consist of Assistant Regional Director for Finance and Investment (chairman); Regional Counsel and Assistant Regional Director for Management Assistance; or those officially acting in their behalf. Authority is delegated to take final action on:

a. Claims not in excess of \$50,000 (excluding interest) upon majority vote of the Committee.

b. Claims in excess of \$50,000 but not exceeding \$150,000 (excluding interest) upon unanimous vote of the Committee.

[FR Doc. 76-34111 Filed 11-17-76; 8:45 am]

DEPARTMENT OF STATE

[Public Notice No. 507]

FOREIGN SOVEREIGN IMMUNITIES

Policy On How to Treat Questions

Notice is hereby given of Department of State policy with respect to the immunity of foreign states in United States courts, in light of the Foreign Sovereign Immunities Act of 1976, Pub. L. 94-583. That Act takes effect on January 19, 1977. In a letter to the Attorney General from the Legal Adviser of the Department of State, dated November 2, 1976, the Department stated how it proposes to treat questions of foreign state immunity, both before and after Pub. L. 94-583 takes effect. The text of the letter is set forth below.

Date: November 10, 1976.

MONROE LEIGH,
Legal Adviser.

DEAR MR. ATTORNEY GENERAL: Since the Tate Letter of 1952, 26 Dept. State Bull. 984, my predecessors and I have endeavored to keep your Department apprised of Department of State policy and practice with respect to the sovereign immunity of foreign states from the jurisdiction of United States courts. On October 21, 1976, the President signed into law the Foreign Sovereign Immunities Act of 1976, P.L. 94-583. This legislation, which was drafted by both of our Departments, has as one of its objectives the elimination of the State Department's current responsibility in making sovereign immunity determinations. In accordance with the practice in most other countries, the statute places the responsibility for deciding sovereign immunity issues exclusively with the courts.

P.L. 94-583 is to go into effect 90 days from the date it was approved by the President, or on January 19, 1977. We wish to advise you of how the Department of State proposes to treat sovereign immunity requests prior to January 19, 1977, and what the Department of State's interests will be after that date.

Immunity from suit. Until January 19, 1977, the Department of State will apply the Tate Letter, in the event that it makes any determination with respect to a foreign government's immunity from suit. It should be noted that P.L. 94-583 embodies in many respects the practice under the Tate Letter.

Immunity from attachment. Until January 19, 1977, the Department will continue to

give prompt attention to diplomatic requests from foreign states, for recognition of immunity of foreign government property from attachment. The Department of State's policy until now has been to recognize an immunity of all foreign government property from attachment—unless (1) the property in question is devoted to a commercial or private use; (2) the underlying lawsuit is based on a commercial or private activity of the foreign state; and (3) the purpose of the attachment is to commence a lawsuit and not to assure satisfaction of a final judgment.

The Department does not contemplate changing this policy before P.L. 94-583 takes effect. We have noted that until P.L. 94-583 takes effect, it may be difficult for a private litigant to commence a suit against a foreign state or its entities. Also, since P.L. 94-583 will not have any effect whatsoever on the running of the statute of limitations, a continuation of existing policy on attachment until January 19, 1977 might be the only way a claim for relief could be preserved.

P.L. 94-583 will make two important and related changes in the Department's sovereign immunity practice with respect to attachment. First, the statute will prescribe a means for commencing a suit against a foreign state and its entities by service of a summons and complaint, thus making jurisdictional attachments of foreign government property unnecessary.

Second, Section 1609 of the statute will provide an absolute immunity of foreign government property from jurisdictional attachment. Such jurisdictional attachments have given rise to diplomatic irritants in the past and, in recent years, have been the principal impetus for a Department of State role in sovereign immunity determinations. It appears that after January 19, 1977, any jurisdictional attachment of foreign government property could, under Section 1609 of P.L. 94-583, be promptly vacated upon motion to the appropriate court by the foreign state defendant.

Immunity from execution. The Department of State has in the past recognized an absolute immunity of foreign government property from execution to satisfy a final judgment. The Department does not contemplate changing this policy in the period before January 19, 1977. On or after that date, execution may be obtained against foreign government property only upon court order and in conformity with the other requirements of Section 1610 of P.L. 94-583.

Future Department of State interests. The Department of State will not make any sovereign immunity determinations after the effective date of P.L. 94-583. Indeed, it would be inconsistent with the legislative intent of that Act for the Executive Branch to file any suggestion of immunity on or after January 19, 1977.

After P.L. 94-583 takes effect, the Executive Branch will, of course, play the same role in sovereign immunity cases that it does in other types of litigation—e.g., appearing as amicus curiae in cases of significant interest to the Government. Judicial construction of the new statute will be of general interest to the Department of State, since the statute, like the Tate Letter, endeavors to incorporate international law on sovereign immunity into domestic United States law and practice. If a court should misconstrue the new statute, the United States may well have an interest in making its views on the legal issues known to an appellate court.

Finally, we wish to express appreciation for the continuous advice and support which your Department has provided during the ten years of work and consultation that led to the enactment of P.L. 94-583. We believe that the new statute will be a significant step in

the growth of international order under law, to which the United States has always been committed.

Sincerely,

MONROE LEIGH,
Legal Adviser.

[FR Doc.76-34083 Filed 11-17-76;8:45 am]

[Public Notice CMI-6/135]

STUDY GROUPS 10 AND 11 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet jointly on December 9, 1976, under the chairmanship of Mr. Neal K. McNaughten. The meeting will convene at 9:30 a.m. in Room A-110, Federal Communications Commission Annex, 1229 20th Street, N.W., Washington, D.C.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The purpose of the meeting on December 9 will be: Review of conclusions of the 1976 international meetings of Study Groups 10 and 11, and establishment of U.S. work programs looking to the next international meetings in 1977.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: November 10, 1976.

GORDON L. HUEFCUTT,
Chairman, U.S. CCIR
National Committee.

[FR Doc.76-34112 Filed 11-17-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-208]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. D) notice is hereby given of a meeting of the Chemical Transportation Industry Committee's Subcommittee on Chemical Vessels to be held December 9, 1976, 9:00 a.m., Room 8334, Nassif Bldg., 400 7th St. SW, Washington, D.C. 20590. The agenda for this meeting is as follows:

1. Consideration of changes to the Inter-governmental Maritime Consultative Organization's (IMCO) rules for bulk tanker shipments of propylene oxide, particularly a change from integral tanks to independent tanks.

2. Discussion of IMCO position papers on the following topics:

- a. Survival ability of existing chemical tankers (USSR)
- b. Type II-P ships for propylene oxide (USSR).
- c. Personnel protection requirements (USSR).
- d. Dangerous chemicals in deep tanks of cargo ships (USSR, Norway).

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. W. E. McConnaughey, Commandant (G-MHM), U.S. Coast Guard, Washington, D.C. 20590, (202-426-2306). Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on November 8, 1976.

W. M. BENKERT,
Rear Admiral U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.76-33916 Filed 11-17-76;8:45 am]

[CGD 76-199]

NORTHERN MINNESOTA LORAN-C TRANSMITTING STATION

Request for Comments and Information for Draft Environmental Impact Statement

The Ninth Coast Guard district is preparing a draft Environmental Impact Statement under the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for the proposed Northern Minnesota Loran-C Transmitting Station. The Coast Guard requests comments on site location and information for use in preparing the statement.

Loran-C is a precise radio navigation system that benefits Great Lakes vessels, recreational boats, aircraft, fishing fleets, police networks, and search and rescue operations. The system is a series of land-based stations that transmit signals so aircraft and vessels can determine their location. The Department of Transportation has stated that Loran-C is to be the primary Federal long-range system for navigation in coastal areas and the Great Lakes. The Coast Guard operates seven Loran-C chains using twenty-eight transmitting stations covering large areas of ocean in the northern hemisphere.

The Coast Guard proposes to locate a Loran-C transmitting station in either Koochiching County, Minnesota, or Lake of the Woods County, Minnesota. Construction is anticipated to begin in the spring of 1978 and completion is anticipated before the end of 1978. The station would be fully operational by February, 1980. The station would be a 700 foot high tower and a 40 foot by 170 foot one story operations building. The tower, support wires, and building would need an area of approximately 150 acres. Ma-

for impacts to be considered in the Environmental Impact Statement include compatibility with existing aviation flight paths, the aesthetic impact of the tower, the disruption to existing wildlife and vegetation, and any interference with nearby radio or telephone channels or facilities.

Three sites have been evaluated. The preliminary recommendations are to locate the station at a site in Lake of the Woods County, approximately eight miles south of Baudette, in Koochiching County in Manitow Township, approximately 40 miles west of International Falls, or in Koochiching County near the hamlet of Pelland, approximately 12 miles southwest of International Falls. The selection of the three sites is based upon engineering considerations, availability of community services, and aviation considerations.

The Environmental Impact Statement would emphasize evaluation of the environmental compatibility of a Loran-C station at each of the three sites. During the site selection process, the Coast Guard has met jointly with public and county planning officials at International Falls and Baudette and has received their comments. Emphasis has been on the proposed activity at each of the three sites under consideration.

Based upon these meetings, the Coast Guard anticipates that a Draft Environmental Impact Statement would be distributed in late November, 1976, and that the Final Environmental Impact Statement would be filed with the Council on Environmental Quality in March or April, 1977. Maps showing the proposed site locations are available at the main libraries in International Falls, Baudette, Warroad, Bemidji, Hibbing, Minneapolis, St. Paul, Duluth, and East Grand Forks, Minnesota, Grand Forks, North Dakota, and Superior, Wisconsin. The maps are also available at the main libraries in Fort Francis, Ontario, and Rainy River, Ontario. Anyone who wishes to comment on the site proposals or has information that may be useful for preparing the Draft Environmental Impact Statement should contact: Commander (mep), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199, Attention Mr. Jerry Olmes.

Dated: November 11, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.76-34040 Filed 11-17-76;8:45 am]

[CGD 76-211]

NELBRO PACKING CO.

Qualification as A Citizen of the United States

This is to give notice that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Nelbro Packing Company of 657 N.E.

Northlake Way, Seattle, Washington 98105, incorporated under the laws of the State of Washington, did on October 12, 1976 file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations on November 5, 1976 issued to Nelbro Packing Company a certificate of compliance on form CG-1262, as provided in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Dated: November 11, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast
Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-34041 Filed 11-17-76;8:45 am]

Federal Aviation Administration AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held January 11 through January 14, 1977, from 9 a.m. e.s.t. to 4 p.m. daily, except for the last day which will terminate at 1 p.m., in conference rooms 7A and B at FAA Headquarters, 800 Independence Ave., SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization; clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to pre-

sent oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave., SW., Washington, D.C. 20591, telephone (202) 426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on November 5, 1976.

F. L. CUNNINGHAM,
Executive Director, ATPAC.

[FR Doc.76-33917 Filed 11-17-76;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA); SPECIAL COM- MITTEE 125-MLS IMPLEMENTATION

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 125-MLS Implementation to be held December 7-8-9, 1976, Conference Room 3201, FAA Trans Point Building, 2100 2nd Street, SW., Washington, D.C. 20590 commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Approval of Minutes of Thirteenth Meeting held October 20-21, 1976, and (2) Review and Finalize Content of Draft Chapters and Appendices of Committee Report.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on November 8, 1976.

KARL F. BIERACH,
Designated Officer.

[FR Doc.76-33918 Filed 11-17-76;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA); SPECIAL COM- MITTEE 129-FUTURE CIVIL AVIATION FREQUENCY SPECTRUM REQUIRE- MENTS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 129-Future Civil Aviation Frequency Spectrum Requirements to be held December 14-15, 1976, Conference Room 8210, Federal Communications Commission, 2025 M Street, NW., Wash-

ington, D.C. 20554 commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Approval of Minutes of Ninth Meeting held April 29-30, 1976; (2) Chairman's Comments and Briefing; (3) Review of Federal Communications Commission Third Notice of Inquiry in Preparation of 1979 General World Administrative Radio Conference (GWARC); (4) Review of Members Comments on Third Notice of Inquiry, and (5) Preparation of Revisions to RTCA Document No. DO-165.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on November 8, 1976.

KARL F. BIERACHE,
Designated Officer.

[FR Doc.76-33919 Filed 11-17-76;8:45 am]

Office of the Secretary

CITIZENS' ADVISORY COMMITTEE ON TRANSPORTATION QUALITY

Meeting -

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. D) notice is hereby given of a meeting of the Citizens' Advisory Committee on Transportation Quality to be held December 6 and 7, 1976, at 9 a.m., in Room 10214, 400 Seventh Street, SW, Washington, D.C. The agenda for this meeting is as follows: December 6, 9 a.m.—Briefing on possible uses of abandoned railroad rights of way; 1:00—Committee consideration of appropriate public policy regarding reuse of abandoned rights of way; December 7, 9 a.m.—Preparation of Committee recommendations.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Gail Boyle, Acting Executive Director, Citizens' Advisory Committee on Transportation Quality, 400 Seventh Street, SW, Washington, D.C. 20590, (202) 426-4542.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on November 11, 1976.

JUDITH T. CONNOR,
Assistant Secretary for Environ-
ment, Safety, and Consumer
Affairs.

[FR Doc.76-34003 Filed 11-17-76;8:45 am]

UNITED STATES SINAI SUPPORT MISSION

[Delegation of Authority 6]

ASSOCIATE DIRECTOR FOR CONTRACTS Delegation of Contracting Authority

Pursuant to the authority vested in me by Executive Order 11896, issued January 13, 1976, I hereby delegate the following functions and authorities to the Associate Director for Contracts, United States Sinai Support Mission:

(a) Authority to make any necessary determinations and decisions with respect to procurement matters, except those required by law or regulation to be made by the Director, United States Sinai Support Mission;

(b) Authority to enter into and take other required actions with respect to purchases, contracts, leases and other transactions, subject to Government procurement policies, procedures and regulations, without limitation as to amount; and

(c) Authority to designate contracting officers, and representatives thereof.

All actions taken under this delegation of authority shall be taken in accordance with the authorities provided and within the limitations stipulated in Executive Order 11896.

The functions and authorities delegated by paragraphs (a) and (b) above may be redelegated.

There are hereby excluded from the functions and authorities delegated herein the authorities with respect to waiver of statutes and limitations of authority granted to the Director, United States Sinai Support Mission by Section 3 of Executive Order 11896.

This Delegation of Authority is effective immediately.

Dated: November 11, 1976.

C. WILLIAM KONTOS,
Director, United States
Sinai Support Mission.

[FR Doc.76-34114 Filed 11-17-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 192]

ASSIGNMENT OF HEARINGS

NOVEMBER 15, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include

cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FF 84 (Sub 1), C. S. Greene and Company, Inc. and FF 434 (Sub 1), Transconex, Inc. now being assigned January 4, 1977 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 106674 (Sub-No. 194), Schilli Motor Lines, Inc. and MC 113668 (Sub-No. 99), Freeport Transport, Inc., now assigned December 9, 1976, at Chicago, Ill., will be held in Room 209, 536 South Clark Street.

MC 119741 (Sub-No. 56), Green Field Transport Company, Inc., now assigned December 13, 1976, at Chicago, Ill., will be held in Room 209, 536 South Clark Street.

MC-C-8688, Auto Driveway Company v. American International Driveway, now assigned December 7, 1976, at Chicago, Ill., will be held in Room 209, 536 South Clark Street.

MC 141789, Phil's Refrigerated Delivery Service, Inc., now being assigned January 31, 1977 (1 week), at Little Rock, Arkansas, in a hearing room to be later designated.

MC 133095 (Sub-No. 94), Texas Continental Express, Inc., now assigned December 1, 1976, at Dallas, Tex. is canceled and application dismissed.

MC 2900 (Sub-No. 292), Ryder Truck Lines, Inc., now assigned December 1, 1976, at Little Rock, Arkansas is canceled and application dismissed.

MC 7540 (Sub-No. 40), Superior Forwarding Company, Inc., now assigned December 6, 1976, at Little Rock, Arkansas is canceled and reassigned for December 6, 1976, at Memphis, Tenn., Room 978, Federal Office Building, 167 North Main Street.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-34068 Filed 11-17-76;8:45 am]

[Nineteenth Revised Exemption No. 90;
Ordered in Ex Parte No. 241]

EXEMPTION UNDER PROVISION OF THE MANDATORY CAR SERVICE RULES

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 401, issued by W. J.

Treize, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company
Reporting Marks: BO.
The Chesapeake and Ohio Railway Company
Reporting Marks: CO-PM.
Elgin, Joliet and Eastern Railway Company
Reporting Marks: EJE.
Green Mountain Railroad Corporation
Reporting Marks: GMRC.
Louisville and Wadley Railway Company
Reporting Marks: LW.
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC.
Missouri-Kansas-Texas Railroad Company
Reporting Marks: BKTU-MKT.
New Jersey, Indiana & Illinois Railroad Company
Reporting Marks: NJIL.
Norfolk and Western Railway Company
Reporting Marks: N&W-NKP-P&WV-WAB.
Norwood & St. Lawrence Railroad Company¹
Reporting Marks: NSL.
Pearl River Valley Railroad Company
Reporting Marks: PRV.
The Pittsburgh and Lake Erie Railroad Company
Reporting Marks: P&LE.
Raritan River Rail Road Company
Reporting Marks: RR.
Sacramento Northern Railway
Reporting Marks: SN.
St. Johnsbury & Lamolite County Railroad
Reporting Marks: SJL.
Sierra Railroad Company
Reporting Marks: SERA.
Tidewater Southern Railway Company
Reporting Marks: TS.
Toledo, Peoria & Western Railroad Company
Reporting Marks: TPW.
Vermont Railway, Inc.
Reporting Marks: VTR.
WCTU Railway Company
Reporting Marks: WCTR.
Western Maryland Railway Company
Reporting Marks: WM.
Yreka Western Railway Company
Reporting Marks: YW.

Effective November 15, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., November 10, 1976.

INTERSTATE COMMERCE
COMMISSION.

JOEL E. BURNS,
Agent.

[FR Doc.76-34073 Filed 11-17-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 15, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and

charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43274—*Joint Water - Rail Container Rates—Knutsen Line*. Filed by Knutsen Line (No. 4), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Gulf Seaboard, to Hong Kong.

Grounds for relief—Water competition.

By the Commission.

H. G. HOMER, Jr.,
Acting Secretary.

[FR Doc.76-34071 Filed 11-17-76;8:45 am]

[Ex Parte No. 330]

INCREASED FREIGHT RATES AND CHARGES—1977

Authority to File Master Tariff

NOVEMBER 15, 1976.

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 12th day of November 1976.

It appearing, That by petition and verified statements filed November 9, 1976, the railroads listed in Appendix I of the petition and certain water and motor carriers having joint rates with the Appendix I railroads, request the Commission to institute an investigation into the adequacy of freight rates and charges of all railroad common carriers within the United States; to make all such railroad common carriers respondents therein; and to authorize and permit increases in freight rates and charges from, to, and within all territories of 4 percent, effective January 1, 1977, to offset labor cost increases and increases in the cost of materials, supplies, and certain other items, subject to exceptions and holdowns set forth in Appendix II of the petition;

It further appearing, That petitioners seek permission to make the proposed increases effective January 1, 1977, subject to the condition that refunds shall be made in the event that, after such investigation as the Commission deems necessary, no increase or a lesser increase than that requested in the present petition is authorized, and they seek entry of an order modifying all outstanding Commission orders to the extent necessary to enable the railroads to file and make effective the proposed increased rates and charges, and the entry of appropriate orders under Sections 4 and 6 of the Interstate Commerce Act;

It further appearing, That petitioners have filed and served 27 verified statements constituting their evidential case pursuant to the requirements set forth in Procedures Governing Rail Carrier General Increase Proceedings, 49 CFR 1102, including certain financial data sug-

gested in Appendix B of the report and order in Ex Parte No. 231, Increased Freight Rates and Charges, 1972, 341 I.C.C.288;

It further appearing, That petitioners have submitted data of the type called for in Ex Parte No. 290 (Sub-No. 1), Procedures—Rail Car General Increase Proceedings, 349 I.C.C. 22, namely detailed information on estimated revenues which would have been obtained had the last authorized increase been fully applied, and the actual total increase in revenues realized by application of the last authorized general increase;¹

It further appearing, That petitioners have given notice of the petition and have furnished data to the public in compliance with Ex Parte No. 286, Notice of Increases in Frt. Rates and Pass. Fares, 349 I.C.C. 741;

It further appearing, That petitioners contend that the requested increases will have no significant adverse effects upon the movement of the traffic or transportation of recyclable commodities by rail;

It further appearing, That petitioners have submitted information of the type called for in Ex Parte No. 55 (Sub-No. 4), Revised Guidelines for the Implementation of the National Environmental Policy Act of 1969, 352 I.C.C. 451, and 49 CFR 1108, namely a supplemental evaluation of environmental considerations vis-a-vis petitioners' proposal herein;

It further appearing, That any person or persons believing that the requested increases, if allowed to become effective, would have a significant impact upon the quality of the human environment are hereby invited to comment upon this matter in the protests or verified statements authorized to be filed pursuant to this order, and that environmental matters and requirements of the National Environmental Policy Act of 1969 will be fully considered by the Commission in any subsequent action on the merits of the requested general increases;

And it further appearing, That by Special Permission Order No. 77-1500 served herewith, the Commission is authorizing the filing of tariff schedules increasing rates and charges sought in the petition, to become effective upon not less than 30 days' notice to the Commission and the general public, subject to protest and possible suspension as provided by the Interstate Commerce Act, and modifying outstanding orders to the extent necessary to permit that filing, and good cause appearing therefor;

It is ordered, That all common carriers by railroad be, and they are hereby, made respondents to this proceeding.

It is further ordered, That pursuant to the special permission authority granted this date, the schedules shall be published and filed upon not less than 30 days' notice effective not earlier than January 7, 1977, nor later than February 15, 1977, subject to protest and possible

¹In view of the brief time Ex Parte No. 330 has been in effect, the carriers also submitted data concerning the prior general increase, Ex Parte No. 318.

¹Addition.

suspension by the Commission, said schedules to contain an appropriate refund provision. Protests and/or verified statements shall be filed on or before December 10, 1976, in accordance with procedures hereinafter set forth;

It is further ordered, That any person opposing or wishing to comment on the proposed 4 percent increase in rates and charges shall file and serve verified statements, complaints, and protests,² as provided below,

(a) The verified statements shall contain all evidence relevant and material to the issues in this proceeding which the parties desire to have considered by the Commission and will be considered as submitted in evidence along with the verified statements of the respondents, as a basis for a decision by the Commission on the merits. Any submission on asserted environmental impact shall be set forth under an appropriate subheading in order to identify properly such subject matter.

(b) Verified statements may include arguments in support of an affiant's position but such argument shall be set forth in a separate section of the document containing the verified statement. If desired, such argument may be contained in a separate document simultaneously filed and served.

(c) Each verified statement shall be signed in ink by affiant and verified (notarized) in the manner provided by Rule 50 and Form No. 6 of the Commission's General Rules of Practice (See 49 CFR 1100.50 and Appendix B, Form No. 6, to 49 CFR 1100). The post office address of affiant or his counsel shall be shown.

(d) Verified statements and arguments shall be filed and served as follows:

The original and 24 copies of each such document for the use of the Commission shall be addressed to the Secretary, and sent to the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, except that a lesser number of copies may be filed upon showing of good cause. All documents filed with the Commission in this matter shall contain the following notation on the envelope: Ex Parte No. 336.

One copy shall be served upon the representative of the petitioning railroads, James L. Howe, III Esq., 527 American Railroads Building, 1920 L Street, NW., Washington, D.C. 20036, which service shall constitute service upon all respondents. However, all parties able to do so shall serve 25 copies upon the railroads' representative.

In all cases, where service is made by mail, the document shall be mailed in time to be received by the respective due dates.

² In the event the tariff is not filed prior to November 24, 1976, the due date specified for filing of protests and verified statements will be extended to a date 13 days prior to the effective date, and the reply date will be correspondingly extended.

³ Section 202 of the Railroad Revitalization and Regulatory Reform Act of 1976 specifically requires the filing of verified complaints seeking suspension of proposed rate changes.

(e) Each verified statement shall contain a certificate of service stating that it has been timely served on opposing parties, as herein provided, and verified statements not so served will not be considered.

(f) Verified statements and arguments by persons opposed to the proposed increases in rates and charges shall include all matters which they desire the Commission to consider with respect to statutory suspension of the rates pending completion of the investigation, as well as evidence relevant to the ultimate decision.

It is further ordered, That on or before December 15, 1976, the respondents shall file with the Commission and serve upon opposing parties such replies to protests or other pleadings seeking suspension, and rebuttal evidence on the merits of the proceeding as they desire to present. Such evidence shall be in the form and served in the same manner as the opening statements filed in accordance with the regulation published in 49 CFR 1102, except that replies and rebuttal evidence need be served only upon the party (and his counsel if known) to whose evidence the reply or rebuttal is directed. Such statements shall, however, be furnished to other interested parties upon request.

It is further ordered, That the request for fourth-section relief will be considered following the filing of protests and statements in opposition and replies thereto;

It is further ordered, That the Commission, concerned that this proposal follows so closely the recent general increase authorized in Ex Parte No. 330, Increased Freight Rates—West and Interterritorial—1976, effective October 7, 1976, has determined that oral argument should be scheduled to provide interested parties the opportunity to comment on the proposed increase; accordingly, oral argument will be held before the Commission on December 20, 1976, commencing at 9:30 a.m.

And it is further ordered, That in all other respects the petition be, and it is hereby, denied.

SPECIAL PERMISSION No. 77-1500

It is ordered, for good cause shown:

1. All railroads, and water and motor carriers to the extent they have joint rates with the railroads, and their tariff-publishing agents, be, and they are hereby, except as otherwise provided herein, authorized to depart from the Commission's tariff publishing rules in Tariff Circular No. 20 (49 CFR 1300), when publishing and filing tariffs, and tariff amendments, to become effective upon not less than 30 days' notice to the Commission and the public but not earlier than January 7, 1977, nor later than February 15, 1977, providing for increased rates and charges as set forth in the petition:

(a) By publishing and filing a master tariff of increased rates and charges, and supplements thereto, providing increases by means of conversion tables of

rates and charges, which shall include, and maintain in effect, a refund provision reading as follows:

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increase resulting from the application thereof and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with ____ percent interest.⁴

In the event any increase resulting from the application of this tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected with ____ percent increase.

The master tariff shall be indicated to expire on interstate and foreign commerce with a date not beyond one year after the effective date, which may not be extended or cancelled except upon specific authorization of this Commission, and all relief herein expires with that date. The master tariff must initially contain all provisions for application of the increases (including provisions for no increase, part of the overall proposal) following which (unless suspended) any provisions other than those of a general character may be cancelled and transferred to the particular tariff affected upon a common effective date with appropriate notation to that effect in the master tariff amendment.

(b) By publication and filing of a connecting link supplement to each tariff to be made subject to the master tariff, connecting such tariffs with the master. Such supplements may be blanket supplements (a common supplement issued to two or more tariffs).

(c) The master tariff and connecting link supplements issued and filed hereunder shall not provide for nonapplication on interstate traffic competitive with intrastate traffic between the same points unless the interstate rates and routes are specifically identified in the connecting link supplements.

(d) By publication and filing of tariffs or amendments to tariffs effective concurrently with the master tariffs and upon the same notice which provide specifically increased rates and charges but which do not result in an increase in charges for transportation and other services greater than those specified in the petition, provided all such publication is identified in the tariffs and made subject to a refund clause worded substantially as in paragraph 1(a) herein.

(e) By publication of provisions in tariffs or amendments thereto subjecting rates and charges therein to the provisions of the master tariff, subject to the restriction in (c) above.

⁴ The interest rate in the refund provision shall be equal to the average yield (on the date such schedule is filed) of marketable securities of the United States which have a duration of 90 days. See Section 203 of the Railroad Revitalization and Regulatory Reform Act of 1976.

2. (a) The master tariff, as amended, and all other tariffs and amendments to tariffs, that employ the shortform methods authorized herein shall bear the notation:

Form of publication authorized,
I.C.C. permission No. 77-1500

(b) Tariffs or amendments to tariffs publishing specifically increased rates or charges hereunder shall bear a notation reading:

Publication made in accordance with
I.C.C. permission No. 77-1500

3. Connecting-link supplements authorized herein shall be exempted from the Commission's tariff-publishing rules governing the number of supplements and the volume of supplemental matter permissible.

4. The master tariff filed hereunder shall not be amended except to correct errors and to comply with findings and orders of the Commission, except when specifically authorized to do so. The terms of rule 9(e) (40 CFR 1300.9(e)) are not waived as to supplements to the master tariff.

5. Outstanding orders of the Commission are hereby modified only to the extent necessary to permit the filing of tariff publications containing the proposed increases, and all tariff publications filed shall be subject to protest and possible suspension and rejection. In that regard, we direct petitioners' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See, for example, Increased Freight Rates and Charges, 1972, 341 I.C.C. 288, 336, and Increased Freight Rates, 1970 and 1971, 339 I.C.C. 125, 188. The rate increase table on grain shall progress in one-half cent increments.

It is further ordered, That future orders and notices of the Commission in this proceeding will be sent only to those participating as herein provided, and those interested persons who specifically request to be included on the service list.

And it is further ordered, That notice of this order be given by serving a copy thereof on each party to the proceedings in Ex Parte No. 318 and Ex Parte No. 330, to the Governor and public utility regulatory body of each State, the Environmental Protection Agency, the Special Assistant to the President for Consumer Affairs, and by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 76-34072 Filed 11-17-76; 8:45 am]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

[Notice No. 67]

The following publications include motor carrier, water carrier, broker, and

freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76612, filed August 22, 1976. Transferee: BILL ROHRBAUGH'S CHARTER SERVICE, INC., 121 North Ruth Avenue, Spring Grove, PA 17362. Transferor: Clyde's Charter Bus Service, Inc., 301 Furnace Branch Road, Glen Burnie, MD 21061. Applicants' Representatives: Christian V. Graf, Esquire, Attorney for Transferee, 407 North Front Street, Harrisburg, PA 17101. S. Harrison Kahn, Esquire, Attorney for Transferor, 733 Investment Building, Washington, DC 20005. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 128577, and a portion of the operating rights of transferor in Certificate No. MC 128577 Sub 1, as follows: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Baltimore, Md., and Littlestown, Pa., serving all intermediate points; and passengers and their baggage, and express, newspapers and mail, in the same vehicle with passengers, between Westminster, Md., and Gettysburg, Pa., serving all intermediate points. Transferee is presently authorized to operate as a common carrier under Certificates Nos. MC 119098 Sub 1 and MC 119098 Sub 6. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76652, filed July 7, 1976. Transferee: TURNBULL TRUCKLINE, INC., d.b.a. TURNBULL TRUCK LINE,

P.O. Box 75, Vliets, KS 66545. Transferor: Glen Owen and C. F. Owen, A Partnership, d.b.a. Owen Brothers, P.O. Box 62, Vliets, KS 66545. Applicants' Representative: Thomas Odell Rost, Esquire, 629 Quincey, Suite 101, Topeka, KS 66603. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 917, issued February 25, 1941, as follows: Livestock between Vliets, Kans., and points within 12 miles of Vliets, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and St. Joseph, Mo.; and feed and seed between Vliets, Kans., and points within 12 miles of Vliets, on the one hand, and, on the other, St. Joseph, Mo. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76787, filed October 20, 1976. Transferee: HOOVER'S MOVERS, INC., P.O. Box 318, Cordova, Alaska. Transferor: Durward Glasen, d.b.a. Hoover's Movers, Cordova, Alaska. Applicants' Representative: Robert L. Hartig, Attorney at Law, 717 K Street, Anchorage, Alaska 99501. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 128653, issued August 15, 1967, as follows: General commodities, except classes A and B explosives, over irregular routes, between points within 25 miles of Cordova, Alaska, including Cordova, Alaska. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76803, filed October 27, 1976. Transferee: BALLENTINE TRANSPORT, INC., P.O. Box 463, Scottsbluff, Neb. 69361. Transferor: Raymond E. Ballentine, d.b.a. Ballentine Transport, P.O. Box 463, Scottsbluff, Neb. 69361. Applicants' Representative: Erma Ballentine, P.O. Box 463, Scottsbluff, Neb. 69361. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit Nos. MC 125209 and Sub 2, issued September 3, 1964 and November 4, 1975, as follows: Cottonseed meal, cottonseed cake, cottonseed crumbles, and cottonseed pellets, in bulk and in bags, in straight and mixed shipments, from Lubbock, Tex., to points in Nebraska, Wyoming, South Dakota, Montana, and North Dakota, cottonseed pea cake, cottonseed nut cake, and cottonseed meal, in bulk and in bags, in straight and mixed shipments, from Marlin, Tex., to points in Nebraska, Wyoming, South Dakota, Montana, and North Dakota. Restriction: The operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with J.C. Hawkins, doing business as the Hawkins Company, of Gering, Nebr., also Cottonseed meal, Cottonseed cake, cottonseed crumbles, and cottonseed pellets, from Lubbock, Sweetwater and Quanah, Tex., to points in Nebraska,

Wyoming, Colorado, South Dakota, and Montana. Restriction: The operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Western Feed Sales, Inc., of Scottsbluff, Nebr. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76808, filed October 29, 1976. Transferee: S.T.S. MOTOR FREIGHT, INC., 107 Evergreen Rd., Stratford, NJ 08084. Transferor: White's Delivery Service, Inc., 3645 Tulip St., Philadelphia, PA 19134. Applicants' representative: Alan Kahn, Esq., Attorney at Law, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 136322, issued July 23, 1974, as follows: General commodities, except those of unusual value, Classes A and B explosives, livestock, live fish, poultry, new furniture, motion picture films, silk, household goods, as defined by the Commission, and those commodities requiring the use of tank-truck equipment for their transportation, between Philadelphia, Pa., and Trenton, N.J., serving the intermediate point of Camden, N.J. and the off-route point of Bristol, Pa. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 136773 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-34069 Filed 11-17-76;8:45 am]

[Notice No. 152]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

IMPORTANT NOTICE

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 113.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with

the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 395TA), filed October 27, 1976. Applicant: PACIFIC INTERMOUNTAIN EXPRESS COMPANY, 1417 Clay St., P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Coledge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal feed*, in bulk, in tank vehicles, from Bisbee, Ariz., to Hereford, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Delst Chemical & Research, Inc., 1156 N. Fountain Way, Anaheim, Calif. 92806. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 211 Main St., Suite 500, San Francisco, Calif. 94105.

No. MC 11207 (Sub-No. 379TA), filed November 3, 1976. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: G. E. Tickle (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Brass, bronze and copper pipe, fittings, rods, castings and valves or cocks*, from the facilities of Nueller Brass Co., located at or near Covington, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, North Carolina, South Carolina, Texas and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mueller Brass Co., P.O. Box 21102, Charlotte, N.C. 28206. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 31389 (Sub-No. 219TA), filed November 3, 1976. Applicant: MCLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in

bulk, and those requiring special equipment), serving the plantsite and distribution facilities of Mueller Brass Company, located at or near Fulton, Miss., as an off-route points in conjunction with applicant's regular route operations. Applicant intends to tack its existing authority with MC 31389 and interline at all present interline points, for 180 days. Supporting shipper: Federal Pacific Electric Company, Ft. Mill, S.C. 29715. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 52729 (Sub-No. 23TA), filed November 8, 1976. Applicant: FLOROT TRUCKING, INC., W. Main St., P.O. Box 43, Pen Argyl, Pa. 18072. Applicant's representative: Frank Florot (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Asbestos cement roofing shingles and asbestos cement siding*, from the plantsite and warehouse facilities of the Supradur Manufacturing Corporation, at Wind Gap, Pa., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota and Wisconsin, for 180 days. Supporting shipper: Suradur Manufacturing Corporation, 440 Katherine Road, Wind Gap, Pa. 18091. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 800 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 61502 (Sub-No. 10TA), filed November 8, 1976. Applicant: WM. McCULLOUGH TRANSPORTATION CO., INC., 1130 U.S. Highway No. 1, Elizabeth, N.J. 07201. Applicant's representative: Ronald I. Shapss, 450 Seventh Ave., New York, N.Y. 10001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Juice, juice concentrates, alcohol and wine*, in liquid bulk, in tanks owned or leased by the water carrier, between Elizabeth Port Authority Marine Terminal, N.J. and Canandaigua, N.Y., restricted to movements having a prior or subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Canandaigua Wine Company, 116 Buffalo St., Canandaigua, N.Y. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 103798 (Sub-No. 1TA), filed November 2, 1976. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, Wis. 54755. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ferric methionine sulfate*, in bulk, in tank vehicles, from Pearl River, La., to Mondovi, Wis., for 180 days. Applicant has also filed an un-

derlying ETA seeking up to 90 days of operating authority. Supporting shipper: Zinpro Corporation, 303 Hazeltine Gates, Chaska, Minn. 55318. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 107496 (Sub-No. 1054TA), filed November 1, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in pneumatic tank vehicles, from Salida, Colo., to Burwell, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cozinc, Inc., P.O. Box 1005, Salida, Colo. 81201. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 115921 (Sub-No. 9TA), filed November 2, 1976. Applicant: CHEMICAL SALT SERVICE, INC., 110 N. Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Robert W. Brinckman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk rock salt*, in dump trucks, from Princeton, Mercer County, W. Va., to Bland County and Tazewell County, Va., under a continuing contract with Morton Salt Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morton Salt Company, Robert W. Brinckman, Traffic Manager Eastern Territory, 110 N. Wacker Drive, Chicago, Ill. 60606. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 116073 (Sub-No. 341TA), filed November 1, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, mounted on wheeled undercarriage, in initial movement, from the plantsite of Pittsville Homes, Inc., Pittsville, Wis., to points in Iowa, Illinois, Minnesota and the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Pittsville Homes, Inc., Highway 80 South, Pittsville, Wis. 54446. Send protests to: Ronald R. Mau, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 342TA), filed November 1, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except travel trailers), in initial movement, and *buildings*, from the plantsite of Guerdon Industries, Inc., at or near Lake City, Fla., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas, for 180 days. Supporting shipper: Guerdon Industries, Inc., P.O. Box 1847, Lake City, Fla. 32055. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 343TA), filed November 1, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except travel trailers), in initial movement, and *buildings*, from the plantsite of Skyline, at or near Decatur, Ala., to points in Georgia, Kentucky, Mississippi and Tennessee, for 180 days. Supporting shipper: Skyline Corporation, 2520 By Pass Road, Elkhart, Ind. 46514. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 120903 (Sub-No. 2TA), filed November 2, 1976. Applicant: MARIETTA MOTOR FREIGHT, INC., P.O. Box 291, Marietta, Ohio 45750. Applicant's representative: Jacob P. Billig, 2033 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles, and equipment and materials* used in the manufacture of aluminum articles, between the plantsite and facilities of Kaiser Aluminum Chemical Corporation, at Ravenswood Works, W. Va., on the one hand, and, on the other, points in Ohio. Restriction: Restricted to movements through Gravel Bank, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Andrew P. Dams, Transportation Cost Supervisor, Kaiser Aluminum and Chemical Corporation, P.O. Box 98, Ravenswood, W. Va. 26164. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 123091 (Sub-No. 20TA), filed November 3, 1976. Applicant: NICK STRIMBU, INC., 3500 Parkway Road,

Brookfield, Ohio 44403. Applicant's representative: John Swab (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, veneer and particle board*, from Waynesboro, Miss., and Suffolk, Va., and Cuthbert, Ga., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, Wisconsin, District of Columbia, North Carolina, South Carolina, Virginia, Georgia and Mississippi, for 180 days. Supporting shipper: Day Companies, Inc., 5050 Poplar Ave., Suite 1502, Memphis, Tenn. 38157. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 E. Ninth St., Cleveland, Ohio 44199.

No. MC 126853 (Sub-No. 5TA), filed November 2, 1976. Applicant: PRINCE TRANSFER LINES, INC., Mishicot, Wis. 54228. Applicant's representative: Frank Coyne, 25 W. Main St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distillate fuel oils Numbers 1, 2 and 3*, in bulk, in tank trucks, from Superior, Wis., to Two Harbors, Silver Bay and Taconite Harbor, Minn., for 180 days. Supporting shipper: Marine Fueling, Inc., Division of Reiss Oil Terminal, Hill Ave., and Winter St., Superior, Wis. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 128462 (Sub-No. 4TA), filed October 19, 1976. Applicant: SCHULTZ & SON TRUCK LINE, INC., 15 16th St., S.E., Long Prairie, Minn. 56347. Applicant's representative: Gordon Rosenmeyer, 72 Broadway, Little Falls, Minn. 56345. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meats, meat products and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and frozen foods), in vehicles equipped with mechanical refrigeration, from Long Prairie, Minn., to Tyler, Tex., and Los Angeles, Calif., under a continuing contract with Long Prairie Packing Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Long Prairie Packing Company, Long Prairie, Minn. 56347. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133689 (Sub-No. 88TA), filed November 2, 1976. Applicant: OVERLAND EXPRESS, INC., 717 First St.,

SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Armour & Co., located at or near Worthington, Minn., to points in Connecticut, Maryland, Massachusetts, North Carolina, New Jersey, New York, Pennsylvania, Rhode Island and Tennessee, restricted to traffic originating at the above-named origin and destined to the above-named destination states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armour & Co., Greyhound Towers, Phoenix, Ariz. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133708 (Sub-No. 25TA) filed November 2, 1976. Applicant: FIKSE BROS., INC., 12647 E. South St., Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from the plantsite of Kaiser Gypsum Company, Inc., at Long Beach, Calif., to the distribution center for Kaiser Gypsum Company, Inc., at Phoenix, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kaiser Gypsum Company, Inc., 600 South Commonwealth Ave., Los Angeles, Calif. 90005. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 134387 (Sub-No. 39TA) filed November 2, 1976. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, Calif. 90280. Applicant's representative: Lucy Kennard Bell, 606 S. Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans and can ends*, from Portland, Oreg., to San Jose and Los Angeles County, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Can Company, Inc., 10200 N. Lombard, Portland, Oreg. 97203. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif.

No. MC 140163 (Sub-No. 1TA) filed November 2, 1976. Applicant: POST & SONS TRANSFER, INC., 323 E. D St., Tacoma, Wash. 98421. Applicant's representative: William H. Grady, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and lumber*, between points in Clatsop, Columbia, Tillamook, Yamhill, Clackamas, Marion, Polk, Lincoln, Benton, Lane, Douglas, Coos, Curry, Josephine, Jackson and Klamath Counties Oreg., to points in Washington, under a continuing contract with Sequoia Supply, for 180 days. Supporting shipper: Sequoia Supply, P.O. Box 1725, Tacoma, Wash. 98401. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 142598TA filed November 3, 1976. Applicant: ALLEN TRANSPORTATION INCORPORATED, 2818 S. Cherry, Port Angeles, Wash. 98326. Applicant's representative: Gerry Lane, Star Route 1, Box 736, Forks, Wash. 98331. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *lumber*, not over 8' in length, from Allen Camp (located 15 miles south of Forks, Wash., on U.S. Highway 101, Jefferson County) via U.S. Highway 101 to Port Angeles, Allen Camp via U.S. Highway 101 to Hoquiam Aberdeen, Wash. Applicant intends to interline with The Milwaukee Road at Port Angeles, Wash.; and intends to interline with The Milwaukee Road, Union Pacific Railroad and/or Burlington Northern, Inc. Applicant intends to interline at Port Angeles, The Milwaukee Road; Hoquiam-Aberdeen, The Milwaukee Road, Union Pacific Railroad and/or Burlington-Northern, Inc., for 180 days. Supporting shipper: Allen Logging Company, Star Route 1, Box 736, Forks, Wash. 98331. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 142599TA filed November 2, 1976. Applicant: PEEL & GAVIN TRUCKING (1973) Co., LTD., 14955 Swallow Drive, Surrey, British Columbia, Canada V3R 4W9. Applicant's representative: William H. Grady, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between Ports of Entry on the United States-Canada boundary at or near Sumas and Blaine, Wash., and Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Lewis, Skamania, Clark, Cowlitz, Clatsop, Pacific, Grays Harbor, Mason, Jefferson, and Clallam Counties, Wash., restricted to traffic originating at or destined to New Westminster, B. C. Canada, under a continuing contract with MacMillan Bloedel Limited, for 180 days. Supporting shipper: MacMillan Bloedel Limited, New

Westminster Lbr. Divisions, P.O. Box 210, New Westminster, British Columbia, Canada. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 142606TA filed November 3, 1976. Applicant: WESCO TRANSPORTATION, INC., 2222 W. Garvey, Suite L, West Covina, Calif. 91790. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., Suite 100, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, from Leitchfield, Ky., to Vernon, Calif., for 180 days. Supporting shipper: Universal-Seng Company, subsidiary of Hoover Ball and Bearing Co., P.O. Box 465, Leitchfield, Ky. 42754. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-34070 Filed 11-17-76; 8:45 am]

[Vol. 57]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

NOVEMBER 12, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) ¹ and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 125808 (Sub-No. 1) (Notice of filing of petition to modify restriction) filed August 20, 1976. Petitioner: AAACON AUTO TRANSPORT INC., 230

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

W. Forty-First St., New York, N.Y. 10036. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor common carrier Certificate in No. MC 125808 (Sub-No. 1), issued December 23, 1966, authorizing transportation over irregular routes, of *used passenger automobiles*, in driveway service, in secondary movements, with or without baggage, personal effects, and sporting equipment, between points in the United States, including Alaska and excluding Hawaii, restricted against the transportation of any traffic (1) having a prior movement by rail or water, (2) moving on government bills of lading, or (3) moving to automobile dealers, subject to the condition that the Commission reserves the right to impose in the future such terms, conditions, or limitations as it may find necessary in order to insure that the service authorized is performed in conformity with the Commission's safety regulations.

By the instant petition, petitioner seeks to modify the restriction above by deleting part (3) and substituting in place thereof the following: "(3) from plants or other facilities of manufacturers of automobiles."

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 8973 (Sub-No. 34G) (Republication) filed June 3, 1974, published in the FEDERAL REGISTER issue of September 30, 1974, and republished this issue. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. An Order of the Commission, Review Board Number 3, dated October 26, 1976 and served November 4, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes in the transportation of (1) *Building materials* (except commodi-

ties in bulk), from points in Essex, Hudson, Union, Somerset, and Bergen Counties, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Tennessee, West Virginia, Connecticut, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Virginia, Pennsylvania, Ohio, Delaware, and New York, and the District of Columbia; (2) *building materials*, (except commodities in bulk and those requiring special equipment), from points in Middlesex, Morris, and Passaic Counties, N.J., to points in New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, and Virginia, and the District of Columbia; (3) *gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products and insulating materials* (except household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., and New York, N.Y., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia; and (4) *plastic articles, hardware, and building materials, equipment and supplies* (except household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from New York, N.Y., to points in New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, and Virginia, and the District of Columbia, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's actual grant of authority.

No. MC 51146 (Sub-No. 458) (Republication) filed January 19, 1976, published in the FEDERAL REGISTER issue of February 26, 1976, and republished this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Nell A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. An Order of the Commission Review Board Number 2, dated October 14, 1976 and served November 3, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes in the transportation of, *pelletized agricultural gypsum*, in bags, from Irvington, Ky., and the facilities utilized by American Pelletizing Corporation at or near Knoxville, Iowa, to points in the United States (except Alaska and Hawaii), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations

thereunder. The purpose of this republication is to indicate applicant's actual grant of authority.

No. MC 139386 (Sub-No. 2) (Republication) filed July 2, 1975, and published in the FEDERAL REGISTER issue of July 31, 1975, and republished this issue. Applicant: DONALD W. JENSEN AND DAN G. JENSEN, a Partnership doing business as: JENSEN TRANSIT CO., 250 Summit Street, River Falls, Wis. 54022. Applicant's representative: Wayne W. Wilson, 329 West Wilson St., Madison, Wis. 53703. An Order of the Commission, Review Board Number 1, dated October 28, 1976 and served November 4, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes in the transportation of (1) *malt beverages*, from St. Paul, Minn., to Barron, Eau Claire, and Chippewa Falls, Wis., (2) *carbonated beverages* (a) from Shakopee, Minn., to Barron, Wis., and (b) from St. Paul, Minn., to Chippewa Falls, Wis., and (3) *rejected shipments* of the commodities named in (1) and (2) above, (a) from Eau Claire, Chippewa Falls, and Barron, Wis., to St. Paul, Minn., and (b) from Barron, Wis., to Shakopee, Minn., restricted in (1) and (2) above to the transportation of traffic destined to the facilities of General Beer Distributors, Inc., Lindemann Distributing, Inc., and Barron Distributing Co., Inc., located at the destinations named in (1) and (2) above, and restricted in (3) above to the transportation of traffic originating at the above-named facilities; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's actual grant of authority.

No. MC 142421 (Republication) filed April 26, 1976, published in the FEDERAL REGISTER issue of May 20, 1976, and republished this issue. Applicant: RENO ARMORED TRANSPORT, INC., 1130 South Flower Street, Los Angeles, Calif. 90015. Applicant's representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. An Order of the Commission Review Board Number 2, dated August 25, 1976 and served September 9, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes in the transportation of, *film and photo-finished prints and slides*, between Reno, Nev., on the one hand, and, on the other, Kings Beach, South Lake Tahoe, Tahoe City, and Truckee, Calif., and Incline Village and Roundhill, Nev., restricted against providing service for or to the premises of banks and banking institutions and further restricted against providing service from or to the premises of Sears, Roebuck & Co., of Chicago, Ill., and Sierra Pacific Power Co., of Reno, Nev., that applicant is fit,

willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's actual grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the *FEDERAL REGISTER* of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 263 (Sub-No. 224) filed October 26, 1976. Applicant: GARRETT

FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving the plantsite and storage facilities of Packwell, located at Wilsonville, Oreg., as an off-route point in connection with applicant presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 1074 (Sub-No. 16) filed October 13, 1976. Applicant: ALLEGHENY FREIGHT LINES, INCORPORATED, P.O. Box 601, Winchester, Va. 22601. Applicant's representative: Richard A. Mehley, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charleston, W. Va. and Huntington, W. Va., serving all intermediate points and all off-route points located in Cabell, Kanawha, Putnam and Wayne Counties, W. Va.: From Charleston over Interstate Highway 64 or U.S. Highway 60 to Huntington, and return over the same routes.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 1924 (Sub-No. 13) filed October 18, 1976. Applicant: WALLACE-COLVILLE MOTOR FREIGHT, INC., North 404 Sycamore, Spokane, Wash. 99201. Applicant's representative: Hugh A. Dressel, 1202 Old National Bank Bldg., Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts, supplies and accessories for machinery and equipment*, between Spokane, Wash., on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada located at or near Eastport, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash.

No. MC 4405 (Sub-No. 536) filed October 19, 1976. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unitized building cells (modular building structures)*, from Forest City, Iowa (Winnebago County), to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 4405 (Sub-No. 537), filed October 19, 1976. Applicant: DEALERS TRANSIT, INC., 522 South Boston Ave., Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lifting and material handling machinery and equipment*, and *parts, attachments and accessories* for lifting and material handling machinery and equipment, from Guthrie, Okla., to points in the United States (except Alaska, Hawaii and Oklahoma); and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) above, from points in the United States (except Alaska, Hawaii and Oklahoma), to Guthrie, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 8544 (Sub-No. 28), filed October 26, 1976. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Joe G. Fender, 1150 Pennzoll Place, South Tower, 711 Louisiana, Houston, Tex. 77001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint* and *ground wood paper and woodpulp*, from the plantsite and facilities of Southland Paper Mills, Inc., located at Herty (Lufkin), Tex., to points in Oklahoma and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston or Dallas, Tex.

No. MC 11207 (Sub-No. 378), filed October 17, 1976. Applicant: DEATON, INC., 317 Ave. W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Paul M. Daniel, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials, construction materials, and wallboard*; and (2) *materials and supplies* used in the manufacture and distribution of building materials, construction materials and wallboard, between Jacksonville, Fla., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla. or Atlanta, Ga.

No. MC 19945 (Sub-No. 60), filed October 18, 1976. Applicant: BEHNKEN TRUCK SERVICE, INC., Route No. 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in dump vehicles, from the storage facilities of Agro Marketing Co. located at or near Marseilles, Pekin, Springfield, and Tolono, Ill., to points in Arkansas, Indiana, Iowa, Kentucky and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Springfield, Ill.

No. MC 22301 (Sub-No. 23), filed October 18, 1976. Applicant: SIOUX TRANSPORTATION COMPANY, INC., P.O. Box 3088, Sioux City, Iowa 51108. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Farmland Foods, at or near Denson, Iowa, to points in Illinois, those points in Indiana within the Chicago, Ill. Commercial Zone, and points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Sioux City, Iowa.

No. MC 26825 (Sub-No. 15), filed October 26, 1976. Applicant: ANDREW VAN LINES, INC., Seventh and Park Avenue, P.O. Box 1609, Norfolk, Nebr. 68701. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Chicago, Elk Grove, Chicago Heights, Northbrook, Joliet, Madison, Bensenville, Oak Brook, Schaumburg, Centralia, Carolinville, Alton and Sterling, Ill.; St. Louis, Gerald and Kansas City, Mo.; Wilton, Iowa; Houston, Tex.; and Clackamas, Oreg., to Norfolk, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 30487 (Sub-No. 7), filed October 12, 1976. Applicant: DEARMAN MOVING AND STORAGE CO., a Corporation, P.O. Box 1, Ontario, Ohio 44862. Applicant's representative: Robert L. Baker, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Equipment, materials and supplies*, used in the manufacture and installation of telecommunications, equipment and parts (except commodities in bulk and com- from points in the United States (except Alaska and Hawaii), to points in Washington County, Tenn., and points in Ohio; and (2) *telecommunications equipment, materials, parts and supplies* (except commodities in bulk and com-

modities requiring special equipment) (a) between points in Washington County, Tenn., on the one hand, and, on the other, points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia; and (b) between points in Ohio, on the one hand, and, on the other, points in Alabama, California, Georgia, Kansas, Nebraska, North Carolina, Oregon, Texas and Washington, restricted to the transportation of traffic originating at or destined to the facilities of North Electric Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 574), filed October 15, 1976. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Wilson & Co., Inc. located at Clarinda, Iowa, to points in Indiana, Michigan and Ohio, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 35628 (Sub-No. 385), filed October 26, 1976. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, SW., Grand Rapids, Mich. 49503. Applicant's representative: Michael P. Zell (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Serving the plantsite and facilities of Ebonite Bowling Ball Division, located at or near Hopkinsville, Ky., as an off-route point in connection with applicant presently authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Bowling Green, Ky., Nashville, Tenn. or Washington, D.C. on a consolidated record with other similar applications.

No. MC 36587 (Sub-No. 7), filed October 18, 1976. Applicant: HARRY J.

PATTON AND CARLOS E. BREWER, a Partnership doing business as PATTON TRUCKING CO., R.F.D. No. 1, Box 7, Homer, Ill. 61849. Applicant's representative: Nolan C. Craver, Jr., 210 North Broadway, Urbana, Ill. 61801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building brick*, from points in Jefferson County, Ky., Dallas, Folk, Wapello and Warren Counties, Iowa, Greene, Jackson and Lake Counties, Ind., and St. Louis County, Mo., to points in Champaign, DeWitt, Douglas, Edgar, Ford, Iroquois, McLean, Piatt and Vermilion Counties, Ill.; and (2) *Gravel*, from points in Chippewa, Dunn and Eau Claire Counties, Wis., to points in Champaign County, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 47583 (Sub-No. 36), filed October 18, 1976. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66118. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foodstuffs, meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses), in containers, from the plantsite of Beaver Valley Canning Co. located at Grimes, Iowa, Reinbeck Canning Co. located at Reinbeck, Iowa, and Vista Products Co. located at Storm Lake, Iowa, to points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kan.

No. MC 49387 (Sub-No. 46), filed October 14, 1976. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, P.O. Box 658, Moberly, Mo. 65270. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, surgical dressing, swabs and absorbent cotton and advertising matter and store display racks or stands* when moving at the same time and in the same vehicle with the above described commodities. (1) from Jefferson City, Mo., to Lafayette, Ind.; and (2) from Monticello, Ind., to Chicago, Ill.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either St. Louis or Jefferson City, Mo.

No. MC 52566 (Sub-No. 5), filed October 29, 1976. Applicant: NEW ENGLAND-NEW YORK TRANSPORT, INC., 797 Berkshire Avenue, Indian Orchard, Mass. 01051. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled re-*

hicles each having a weight of 15,000 pounds or more; precast and prestressed concrete and brick forms, beams, panels, shapes, and related machinery and supplies; metal tubing, stationary and portable air compressors, between points in Hampden County, Mass. and North Grafton, Mass., and Meriden, Newington, Glastonbury and Enfield, Conn., on the one hand, and, on the other, points in Maine, New Hampshire and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Springfield, Mass. or Hartford, Conn.

No. MC 53965 (Sub-No. 121), filed October 26, 1976. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Dubuque Packing Co. located at Mankato, Kans., to points in Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 57697 (Sub-No. 4), filed October 26, 1976. Applicant: LESTER SMITH TRUCKING, INC., P.O. Box 16424, 2645 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Michael J. Norton, Suite 404, Boston Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe fittings, and accessories*, from the facilities of Certain-Teed Corporation located at or near McPherson, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Wisconsin, Wyoming, and the upper peninsula of Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests a consolidated hearing at Denver, Colo.

No. MC 61396 (Sub-No. 319), filed October 15, 1976. Applicant: HERMAN BROS. INC., P.O. Box 189, 2565 St. Marys Avenue, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid argon, liquid oxygen, and liquid nitrogen*, in bulk, in cryogenic tank vehicles, from Portage, Mich., Toledo, Ohio, Chicago, La Salle and South Chicago, Ill., and East Chicago, Ind., to points in Illinois, Indiana, Michigan, Iowa, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Omaha, Nebr.

No. MC 64932 (Sub-No. 567), filed October 18, 1976. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paint*, in bulk, in tank vehicles, from the plant site of O'Brien Corporation located at South Bend, Ind., to the plant site of Gillespie-Deka Corporation located at Lithonia, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 69834 (Sub-No. 11), filed October 15, 1976. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, Kans. 67219. Applicant's representative: William H. Shawn, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular and regular routes, transporting: (I) Irregular routes: (A) *General commodities* (except those of unusual value, and household goods as defined by the Commission), (1) between Wichita, Kans., on the one hand, and, on the other, points in Derby, Mulvane, Belle Plaine, Udall, Douglass, Rock, Akron, Winfield, Strother Field, Dexter, Cedar Vale, Wauneta, Sedan, Peru, Niotaze, Tyro, Cambridge, Grenola, Moline and Burden, Kans., and a five (5) mile radius from each point thereof; and (2) between Caney, Kans., on the one hand, and, on the other, Rose Hill, Atlanta, and Latham, Kans., and a five (5) mile radius from each point thereof; and (B) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods when transported as a separate and distinct service in connection with so-called household movings, commodities in bulk, and those requiring special equipment), (1) between Wichita, Kans., on the one hand, and, on the other, Dexter, Cedar Vale, Wauneta, Sedan, Peru, Niotaze, Tyro, Burden, Cambridge, Grenola and Moline, Kans., and a five (5) mile radius from each point thereof; and (2) between Caney, Kans., on the one hand, and, on the other, Atlanta, Latham and Howard, Kans., and a five (5) mile radius from each point thereof.

(II) Regular routes: (A) *General commodities* (except those of unusual value, and household goods as defined by the Commission), Between Wichita, Kans. and Tyro, Kans., serving no intermediate points: (a) From Wichita over Kansas Highway 14 to Udall, thence over Kansas Highway 55 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction Kansas Highway 15, thence over Kansas Highway 15 to junction U.S. Highway 166, thence over U.S. Highway 166 to Tyro, and return over the same route; (b) From Wichita over U.S. Highway 81 to junction Kansas Highway 55, thence over Kansas Highway 55 to junction Kansas Highway 15, thence over

Kansas Highway 15 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 166, thence over U.S. Highway 166 to Tyro, and return over the same route; (c) from Wichita over U.S. Highway 54 to Augusta, thence over U.S. Highway 77 to Winfield, Kans., thence over U.S. Highway 160 to Moline, Kans., thence over Kansas Highway 99 to junction U.S. Highway 166, thence over U.S. Highway 166 to Tyro, and return over the same route; (d) From Wichita over U.S. Highway 54 to junction Kansas Highway 98, thence over Kansas Highway 98 to Severy, Kans., thence over Kansas Highway 99 to junction U.S. Highway 166, thence over U.S. Highway 166 to Tyro, and return over the same route; (e) From Wichita over U.S. Highway 54 to unnumbered county road located approximately three and one-half (3½) miles west of Augusta, Kans., thence south over unnumbered county road approximately twelve (12) miles, thence east over unnumbered county road to junction U.S. Highway 77, thence over routes described in (b) or (c) above to Tyro, and return over the same route; (B) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods when transported as a separate and distinct service in connection with so-called household movings, commodities in bulk, and those requiring special equipment), Between Winfield, Kans. and Tyro, Kans., serving no intermediate points: From Winfield over U.S. Highway 160 to junction Kansas Highway 15, thence over Kansas Highway 15 to junction U.S. Highway 166, thence over U.S. Highway 166 to Tyro, and return over the same route.

III. Alternate routes: *General commodities* (except those of unusual value, and household goods as defined by the Commission), (1) Between Wichita, Kans. and Tyro, Kans., serving no intermediate points: From Wichita over Interstate Highway 35 to junction U.S. Highway 166, thence over U.S. Highway 166 to Tyro, and return over the same route as an alternate route for operating convenience only in connection with applicant presently authorized regular route operations; and (2) Between Wichita, Kans. and Strother Field, Kans., serving no intermediate points: From Wichita, over Kansas Highway 15 to Udall, thence over Kansas Highway 55 to junction U.S. Highway 77, thence over U.S. Highway 77 to Strother Field, and return over the same route, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations.

NOTE.—The purpose of this application is to convert applicant's Certificate of Registration to a Certificate of Public Convenience and Necessity. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans.

No. MC 71642 (Sub-No. 22), filed October 13, 1976. Applicant: CONTRACTUAL CARRIERS, INC., Allen

Drive, Harmony Industrial Park, Newark, Del. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemically hardened fibre and insulating materials, articles, sheets, shapes and forms, including plastics and plastic articles, sheets, shapes, forms, rods, tubes, grindings and pellets, and materials and supplies*, used in the manufacture thereof, between points in the Delaware City, Del. Commercial Zone, on the one hand, and, on the other, New York, Endicott and Johnson City, N.Y., points in New Jersey, and points in Pennsylvania on and east of U.S. Highway 11, under contract with Keysor-Century Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Wilmington, Del.

No. MC 74321 (Sub-No. 126), filed October 18, 1976. Applicant: B. F. WALKER, INC., P.O. Box 17-B, 1555 Tremont Place, Denver, Colo. 80217. Applicant's representative: Richard P. Kisinger, Suite 140 Cherry Creek Ctr., 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of Northwestern Steel and Wire Company, located in Rock Falls and Sterling, Ill., to points in Arizona, Colorado, Montana, New Mexico, Oklahoma, Texas and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Denver, Colo.

No. MC 75320 (Sub-No. 188), filed October 20, 1976. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nails, iron and steel reinforcing mesh, gabions, fencing, fencing materials and accessories, wire, cable, and wire products*, from Van Buren, Ark., to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Nevada, Ohio, Oklahoma, Tennessee and Texas; and (2) *steel wire carriers*, from Reno, Nev., to Van Buren, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., Little Rock, Ark. or Kansas City, Mo.

No. MC 78228 (Sub-No. 59), filed October 26, 1976. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Ashtabula, Ohio, to points

in Illinois, Indiana, Kentucky and Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 80064 (Sub-No. 2), filed October 22, 1976. Applicant: B. F. KAUFFMAN MOTOR EXPRESS, INC., 1007 Harrisburg Avenue, Lancaster, Pa. 17603. Applicant's representative: John W. Frame, 2207 Old Gettysburg Road, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling tile, floor tile, wall-board, adhesives, linoleum, carpeting, floor coverings, and accessories, materials, and supplies* used in the installation or maintenance of such commodities, in containers, from East Hempfield Township, Lancaster County, Pa., to ports within the New York Harbor limits as defined by the Commission (49 CFR 1070), restricted to the transportation of shipments having a subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 82079 (Sub-No. 46), filed October 18, 1976. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue, S.W., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Fresh and frozen fish and eggs and egg products and butter*, in mechanically refrigerated vehicles (except commodities in bulk), from points in Kent County, Mich., to points in Chicago, Ill., and its Commercial Zone.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 82492 (Sub-No. 137), filed October 20, 1976. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing-houses* (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site and warehouse facilities of Wilson & Co., Inc. located at Clarinda, Iowa, to points in Indiana, Michigan and Ohio, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., Omaha, Nebr. or Washington, D.C.

No. MC 82841 (Sub-No. 198), filed October 18, 1976. Applicant: HUNT

TRANSPORTATION, INC., 10770 "T" St., Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and implements, snow plows, rock pickers, and cotton handling equipment*, from Lincoln, Nebr., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha or Lincoln, Nebr.

No. MC 86779 (Sub-No. 34), filed October 19, 1976. Applicant: ILLINOIS CENTRAL GULF RAILROAD COMPANY, A Corporation, 233 North Michigan Avenue, Chicago, Ill. 60601. Applicant's representative: John H. Doeringer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, Between Gulfport, Miss. and New Orleans, La., serving no intermediate points: (1) From Gulfport over U.S. Highway 90 to New Orleans, and return over the same route; and (2) From Gulfport over U.S. Highway 49 to junction Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, and return over the same route, restricted in (1) and (2) above: (a) so that the service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of, rail service of the Illinois Central Gulf Railroad Company, hereinafter called the railroad; (b) such that carrier shall not serve any point not a station on the railroad; and (c) in that shipments transported by said carrier shall be limited to those which it receives from or deliveries to the railroad under a through bill of lading covering, in addition to movement by carrier, a prior or subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or New Orleans, La.

No. MC 98766 (Sub-No. 5), filed October 6, 1976. Applicant: BARNETT ELDRIDGE doing business as ELDRIDGE TRUCK LINE, N. Highway 27, P.O. Box 659, Somerset, Ky. 42501. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A & B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Lexington, Ky. and Morehead, Ky., serving no intermediate points, and serving Morehead, Ky. for purposes of joinder only: From Lexington, Ky. over U.S. Highway 60 to Morehead, Ky. and return over the same route; (2) Between Lexington, Ky. and Albany, Ky., serving all intermediate points between Lexington, Ky. and Monticello, Ky.: From Lexington, Ky. over U.S. Highway 27 to its junction with

Kentucky Highway 90, near Burnside, Ky., thence over Kentucky Highway 90 to its junction with U.S. Highway 127 north of Albany, Ky., thence over U.S. Highway 127 to Albany, Ky. and return over the same route; (3) Between Lexington, Ky. and the site of Wolf Creek Dam, near Jamestown, Ky., serving all intermediate points: From Albany, Ky., over U.S. Highway 127 to Jamestown, Ky., thence over access and state highways to Wolf Creek Dam Site and return over the same route; (4) Between the junction of U.S. Highway 27 with Kentucky Highway 90 near Burnside, Ky. and Strunk, Ky., serving all intermediate points: From the junction of U.S. Highway 27 with Kentucky Highway 90 over U.S. Highway 27 to Strunk, Ky. and return over the same route; and (5) Between Pine Knot, Ky. and Parkers Lake, Ky. serving all intermediate points: From Pine Knot, Ky. over Kentucky Highway 92 to Williamsburg, Ky., thence over U.S. Highway 25W to Jellico, Ky., thence return over U.S. Highway 25W to its junction with Kentucky Highway 90 near Clio, Ky., thence over Kentucky Highway 90 to Parkers Lake, Ky. and return over the same route.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12996, published in the *Federal Register* issue of October 21, 1976. If a hearing is deemed necessary, the applicant requests it be held at Lexington or Louisville, Ky.

No. MC 98952 (Sub-No. 39), filed October 7, 1976. Applicant: GENERAL TRANSFER COMPANY, a Corporation, 2880 N. Woodford St., P.O. Box 2203, Decatur, Ill. 62526. Applicant's representative: Paul E. Steinhour, 918 E. Capitol Avenue, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from Chicago, Ill., to Paducah, Owensboro, Henderson and Louisville, Ky., and points in Indiana, restricted to the storage facilities of Dry Storage Corporation, located at or near Chicago, Ill.; the authority brought to named destinations; and to movements in vehicles equipped with mechanical refrigeration only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago or Springfield, Ill., or St. Louis, Mo.

No. MC 99539 (Sub-No. 2), filed October 26, 1976. Applicant: UNDERWOOD TRUCK LINES, INC., 21 South Depot Street, Brazil, Ind. 47831. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), and

parts and accessories therefor, in initial movements, between the plantsite and storage facilities of Great Dane Trailers of Indiana, Inc., located at or near Brazil, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Missouri and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Washington, D.C.

No. MC 100666 (Sub-No. 334), filed October 26, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and forest and wood products*, from points in Arizona and Kane, San Juan and Garfield Counties, Utah, to points in Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albuquerque, N. Mex., Dallas, Tex. or Phoenix, Ariz.

No. MC 100666 (Sub-No. 335), filed October 27, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, millwork, lumber and wood products* (except commodities in bulk), between points in Idaho, Montana, Oregon and Washington, on the one hand, and, on the other, points in Arkansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record, but does not specify a location.

No. MC 106398 (Sub-No. 756), filed October 18, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Hardin, Lincoln and Maury Counties, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 106644 (Sub-No. 224), filed October 26, 1976. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, N.W., Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson, P.O. Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock crusher equipment*, from the plantsite

of Hewitt-Robins, Inc., located in Richland County, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 107227 (Sub-No. 133), filed October 29, 1976. Applicant: INSURED TRANSPORTERS, INC., 45055 Fremont Blvd., Fremont, Calif. 94538. Applicant's representative: John G. Lyons, 1418 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and busses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except trailers), in secondary movements, in truckaway service, between points in California and Nevada, restricted to shipments having an immediately prior movement by rail and further restricted to the transportation of traffic originating at the plantsite of Volkswagen of America located at New Stanton, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 107295 (Sub-No. 828), filed September 29, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of CertainTeed Corporation in Granville County, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (2) *materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, from points in the above described territory to the plantsite and warehouse facilities of CertainTeed Corporation in Granville County, N.C.; and (3) *roofing, building and insulating materials and materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, between the plantsites and warehouse facilities of CertainTeed Corporation in Granville County, N.C., on the one hand, and, on the other, the plantsites and warehouse facilities of CertainTeed Corporation in Clarke and Chat-ham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayes County, Okla.; York County, Pa.; and Dallas County, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated record

with several other applications at Washington, D.C.

No. MC 107295 (Sub-No. 830) filed October 12, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, accessories, and supplies* used in the manufacturing/construction of buildings, modular housing and mobile homes, from Mira Loma, Calif., to points in and west of Colorado, Montana, New Mexico, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 107515 (Sub-No. 1032) filed October 12, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Doxsee Food Corporation, located at or near Brundidge, Ala., to points in Florida, Georgia, North Carolina, South Carolina, Texas and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baltimore, Md., or Washington, D.C.

No. MC 107515 (Sub-No. 1034) filed October 18, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including dairy products* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Borden Foods Division of Borden, Inc., at or near Plymouth, Wis., to points in California, restricted to transportation of traffic originating at the named origins and destined to the named destinations.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 108393 (Sub-No. 107) filed October 18, 1976. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, between Marion, Ohio, on the one hand, and, on the

other, points in Boone, Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry, Will and Winnebago Counties, Ill., points in Elkhart, Fulton, Kosciusko, Lake, LaPorte, Marshall, Porter, Pulaski, St. Joseph and Starke Counties, Ind., and points in Berrien, Branch, Cass, Hillsdale, Lenawee, Macomb, Monroe, Oakland, St. Clair, St. Joseph, Van Buren, Washtenaw and Wayne Counties, Mich., restricted against the transportation of commodities in bulk, and limited to a transportation service to be performed under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 109) filed October 15, 1976. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail order houses, and, in connection therewith, *equipment materials, and supplies*, used in the conduct of such business, between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, restricted against the transportation of commodities in bulk, and limited to a transportation service to be performed under continuing contract or contracts with Sears, Roebuck and Co.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109583 (Sub-No. 4) filed October 18, 1976. Applicant: H. J. FIKES, doing business as FIKES TRUCK LINE, 1904 West 5th Avenue, Pine Bluff, Ark. 71601. Applicant's representative: Horace Fikes, Jr., 414 National Building, Pine Bluff, Ark. 71601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing supplies, and roofing materials*, from the plantsite and warehouse facilities of the Masonite Corporation, in Pulaski County, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee (except the Memphis, Tenn. Commercial Zone).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 112822 (Sub-No. 410), filed October 21, 1976. Applicant: BRAY LINES INCORPORATED, 1401 N. Little, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of the Pillsbury Company,

located in the Minneapolis, St. Paul Commercial Zone, to points in Florida, Georgia, Kansas, Louisiana, North Carolina, Oklahoma, South Carolina, Tennessee and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 113908 (Sub-No. 387), filed October 29, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Neutral grape or grain spirits; alcohol or alcoholic liquors*, in bond, in bulk, in tank vehicles, from Delavan, Ill. and the Commercial Zone thereof, to points in New York, South Carolina and Virginia; and (2) *grain neutral spirits; alcohol or alcoholic liquors*, in bond, in bulk, in tank vehicles, from Peoria and Delavan, Ill. and their respective Commercial Zones, to points in Indiana, Kentucky and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill. or Washington, D.C.

No. MC 114273 (Sub-No. 266) filed October 13, 1976. Applicant: CRST, INC., P.O. Box 68, 3930 16th Ave., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from Joliet, Ill., to Burlington, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 270) (Correction) filed August 24, 1976, published in the FEDERAL REGISTER issue of October 21, 1976, republished as corrected this issue. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, (1) from Piscataway, N.J., to Milwaukee, Wis.; Peoria, Ill. and Frankenmuth, Mich.; (2) from Danbury, Conn., to Sharonville, Ohio; LaCrosse and Milwaukee, Wis. and Frankenmuth, Mich.; and (3) from Millis, Mass., to St. Paul, Minn.; LaCrosse, Wis. and Frankenmuth, Mich.

NOTE.—The purpose of this republication is to indicate applicant's correct origin in (1) above as Piscataway, N.J. which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 115311 (Sub-No. 199) filed September 24, 1976. Applicant: J & M

TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of CertainTeed Corporation, in Granville County, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, those points in the Lower Peninsula of Michigan, and points in Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (2) *materials, equipment and supplies*, used in the manufacture, installation and distribution of roofing and building materials, from points in the above described territory, to the plantsite and warehouse facilities of CertainTeed Corporation, in Granville County, N.C.; and (3) *roofing, building and insulating materials, and materials, equipment and supplies*, used in the manufacture, installation and distribution of roofing and building materials, between the plantsites and warehouse facilities of CertainTeed Corporation, in Granville County, N.C., on the one hand, and, on the other, the plantsites and warehouse facilities of CertainTeed Corporation, in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayers County, Okla.; York County, Pa.; and Dallas County, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Charlotte or Raleigh, N.C.

No. MC 115311 (Sub-No. 201) filed October 15, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials; construction materials; wallboard; and materials and supplies* used in the manufacture and distribution of building materials, construction materials and wallboard, between Jacksonville, Fla., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 115491 (Sub-No. 132) filed October 18, 1976. Applicant: COMMERCIAL CARRIER CORPORATION, P.O. Drawer 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Building and construction materials, and materials, equipment and supplies* used in the manufacture, packaging, distribution or installation thereof (except commodities in bulk, in tank vehicles), between the plantsite and warehouse facilities of The Celotex Corporation, located at Jacksonville, Fla., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 115570 (Sub-No. 10) (Amendment) filed June 28, 1976, published in the FEDERAL REGISTER issue of July 29, 1976, and republished, as amended, this issue. Applicant: WALTER A. JUNG, INC., 3818 Southwest 84th Street, P.O. Box 91531, Tacoma, Wash. 98491. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed forms, paper, paper products and products* made there from, *shipping containers, pallets, and equipment, materials and supplies* used by the printing industry; and (2) *interplant correspondence*, between points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah and Washington, restricted to the transportation of traffic originating at or destined to the plant or storage facilities of Moore Business Forms, Inc., under a continuing contract, or contracts, with Moore Business Forms, Inc.

NOTE.—The purpose of this republication is to amend the territorial description. Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Seattle, Wash.

No. MC 116254 (Sub-No. 166) filed October 26, 1976. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, Ala. 35630. Applicant's representative: Hampton M. Mills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in bulk, from the port site and facilities of the Paducah-McCracken County River Port Authority, located at Paducah, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Paducah, Ky. or Washington, D.C.

No. MC 117883 (Sub-No. 208), filed October 13, 1976. Applicant: SUBLER TRANSFER, INC., 100 Vista Drive, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of The Pillsbury Company located at or near Seelyville, Ind., to Connecticut, Delaware, Illinois, Indiana, New Hampshire, New Jersey, New York, Maine, Maryland, Massachusetts, Michigan (lower peninsula), Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia; and (2) *materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination territories as named in (1) above to the plant site of The Pillsbury Company located at or near Seelyville, Ind., restricted to the transportation of traffic originating at the above named origin points and destined to the above named destination points as set forth in (1) and (2) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seelyville, Ind.

No. MC 117940 (Sub-No. 192), filed October 15, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plains, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (except in bulk), from Des Moines, Iowa and the plantsite and warehouse facilities of Monsanto Company located at or near Muscatine, Iowa, to ports of entry on the International Boundary line between the United States and Canada located at points in Minnesota, Montana and North Dakota, restricted to the transportation of shipments destined to points in Alberta, Saskatchewan and Manitoba, Canada.

NOTE.—Applicant holds contract carrier authority in MC 114789 and (Sub-No. 16) thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 117940 (Sub-No. 193), filed October 15, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plains, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from the plantsites and facilities of Diamond Crystal Salt Company, located at Akron, Ohio and St. Clair, Mich. to points in Georgia, North Carolina, South Carolina, Tennessee and Virginia, restricted to shipments originating at named origins and destined to named destinations.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 118495 (Sub-No. 5), filed October 12, 1976. Applicant: COPPER FREIGHT LINES, INC., 3025 Rampart

Drive, Anchorage, Alaska 99501. Applicant's representative: Richard D. Thaler, 509 West Third Avenue, Anchorage, Alaska 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, livestock and articles of unusual value), between all points within 170 miles of Anchorage, Alaska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Anchorage, Alaska or Seattle, Wash.

No. MC 118846 (Sub-No. 14), filed October 12, 1976. Applicant: DALE JESSUP, R.R. 1, Box 252, Camby, Ind. 46113. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and plastic articles*, (1) From Mooresville, Ind. to Little Rock, Ark.; Hialeah, Orlando, and Tampa, Fla.; Des Moines, Iowa; Wichita, Kans.; Mt. Sterling, Ky.; Albuquerque, N. Mex.; Grand Rapids, Mich.; Mount Vernon, N.Y.; Charlotte, N.C.; Oklahoma City and Tulsa, Okla.; Altoona, Pa.; Memphis, Tenn.; Houston, Midland and Nacogdoches, Tex. and Milwaukee, Wis.; and (2) between the ports of entry on the International Boundary line between the United States and Canada, located at or near Detroit, Mich., Niagara Falls and Buffalo, N.Y. and Mooresville, Ind., under a continuing contract in (1) and (2) with Nice-Pak Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Indianapolis, Ind.

No. MC 118846 (Sub-No. 15), filed October 12, 1976. Applicant: DALE JESSUP, R.R. 1, Box 252, Camby, Ind. 46113. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper board*, from Indianapolis, Ind. to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming, under a continuing contract or contracts with, John Kuhni & Sons; JW. Simmerhaws & Sons Co.; MacCollum Paper Co. and Nice-Pak Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Indianapolis, Ind.

No. MC 118959 (Sub-No. 137), filed October 18, 1976. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, from Duval County, Fla., to points in Alabama, Arkansas, Georgia,

Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Jacksonville, Fla.

No. MC 121775 (Sub-No. 2), filed October 14, 1976. Applicant: MILTON B. ANDERSON AND MELVIN K. ANDERSON, a Partnership, doing business as OVERLAND EXPRESS, 798 East Glendale Road, Sparks, Nev. 89431. Applicant's representative: Melvin K. Anderson (same address as applicant), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, those requiring special equipment and Classes A and B explosives), (1) between points in Nevada; and (2) between points in Lassen, Sierra, Plumas, Nevada, El Dorado, Mono, Inyo, Sacramento, Yolo, Solano, Placer, Contra Costa, Alameda, Santa Clara, San Mateo, and San Francisco Counties, Calif., on the one hand, and, on the other, Reno and Sparks, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Reno, Nev.

No. MC 123329 (Sub-No. 26), filed October 21, 1976. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *White oil* in bulk, in tank vehicles, from Petrolia, Pa., to ports of entry on the International Boundary line between the United States and Canada, located at or near Noyes, Minn., Portal, N. Dak. and Sweetgrass, Mont. Note: Common control may be involved.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at any city in Montana.

No. MC 123407 (Sub-No. 333), filed October 19, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and millwork*, from points in Crook County, Wyo., to points in Illinois, Indiana, Michigan, Missouri, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 123407 (Sub-No. 334), filed October 18, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Ste-

phen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel valves and parts thereof*, from the facilities of Clow Corporation, located at or near Westmont, Ill. to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123872 (Sub-No. 58), filed October 18, 1976. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the plant-site and shipping facilities of Iowa Beef Processors, Inc., at or near Emporia, Kans.; Dakota City, Nebr.; and Sioux City, Iowa, to the warehouse and receiving facilities of Merchants Distributors, Inc., at or near Hickory, N.C., restricted to shipments originated at named points and destined to the named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Charlotte or Raleigh, N.C.

No. MC 124004 (Sub-No. 39), filed October 20, 1976. Applicant: RICHARD DAHN, INC., 624 West Mountain Road, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from Solvay, N.Y., to points in North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 124878 (Sub-No. 9), filed September 29, 1976. Applicant: LAPADULA AIR FREIGHT TRANSFER, INC., 149-04 New York Blvd., Jamaica, N.Y. 11434. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk and motor vehicles), between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Newark Municipal Airport, Newark, N.J., J. F. Kennedy International Airport, New York, N.Y., Logan International Airport, Boston, Mass., Hancock Airport, Syracuse, N.Y., and Bradley International Airport, Windsor Locks, Conn., restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Philadelphia, Pa.

No. MC 125254 (Sub-No. 36) filed October 21, 1976. Applicant: MORGAN TRUCKING CO., 1201 E. 5th Street, Muscatine, Iowa 52761. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Products of Grain* (except in bulk), from Muscatine and Davenport, Iowa, and Milan, Ill., to points in Connecticut, Florida, Illinois, Indiana, Kansas, Maryland, Massachusetts, Maine, Minnesota, Missouri, New Jersey, New Hampshire, New York, Nebraska, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin and the District of Columbia.; and (2) *feed and feed ingredients* (except in bulk), from Muscatine, Iowa, to points in Connecticut, Florida, Maine, Massachusetts, Maryland, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Omaha, Nebr.

No. MC 125420 (Sub-No. 25), filed October 18, 1976. Applicant: MERCURY TANKLINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, P.O. Box 2567, Great Falls, Mont. 59403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, alcoholic beverages, liquors, and spirits* in bulk in tank vehicles, (1) from ports of entry on the International Boundary line between the United States and Canada located at or near Detroit, Marine City and Port Huron, Mich. and Buffalo, N.Y., to Chicago, Ill. and Stanley, Ky., restricted to traffic originating at Berthierville, Quebec, (2) from ports of entry on the International Boundary line between the United States and Canada located at or near Alexandria Bay and Ogdensburg, N.Y., to Colonial Heights, Va., restricted to traffic originating at Berthierville, Quebec; and (3) from Owensboro, Ky., to ports of entry on the International Boundary line between the United States and Canada located at or near Detroit, Marine City and Port Huron, Mich. and Buffalo, N.Y., restricted to traffic destined to Berthierville, Quebec, under a continued contract or contracts with Melchers Distilleries Limited in (1), (2), and (3) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at any city in Montana.

No. MC 125533 (Sub-No. 17), filed October 20, 1976. Applicant: GEORGE W. KUGLER, INC., P.O. Box 6064 Elliot Station, 2800 East Waterloo Road, Akron, Ohio 43212. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Author-

ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and refractories and materials and supplies* used in the installation of clay products and refractories, from the facilities of Clow Corporation located at Carol Stream, Ill., to points in Minnesota, Nebraska, North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Chicago, Ill.

No. MC 125777 (Sub-No. 175) (Amendment), filed September 9, 1976, published in the FEDERAL REGISTER issue of October 29, 1976, republished as amended this issue. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, alloy and ores*, in bulk, in dump vehicles, from port of New Orleans, La. and Burnside Port, Burnside, La., to points in Alabama, Arkansas, Arizona, California, Colorado, Illinois, Indiana, Iowa, Kentucky, Kansas, Michigan, New Mexico, Mississippi, Minnesota, Missouri, Oklahoma, Oregon, Tennessee, Texas, Washington and Wisconsin.

NOTE.—The purpose of this republication is to add Pig iron to the above commodity description. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 179) filed October 4, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys ores, and coke breeze*, in bulk, from Portsmouth, Ohio to Coatesville, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 126305 (Sub-No. 81) filed October 27, 1976. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC, R.D. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm equipment*, from Moline, East Moline, and Rock Island, Ill.; Louisville, Ky.; and Memphis, Tenn. to the facilities of Boyd Truck and Tractor Co. located at Clayton, Ala.; and (2) *agricultural gypsum* (except in bulk), from Savannah and Brunswick, Ga., and Jacksonville, Fla., to the facilities of Boyd Warehouses located at Clayton, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 126899 (Sub-No. 109) filed October 17, 1976. Applicant: USHER TRANSPORT, INC, 3925 Old Benton Rd., P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Bldg, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *empty malt beverage containers* on return (1) from Milwaukee, Wis. and Peoria, Ill., to Dillonvale, Amherst, Conneaut and Painesville, Ohio; and (2) from Milwaukee, Wis., to Canton, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio.

No. MC 126904 (Sub-No. 18) (Correction) filed August 19, 1976, published in the FEDERAL REGISTER issue of October 7, 1976, republished as corrected this issue. Applicant: H. C. PARRISH TRUCK SERVICE, INC., a Corporation, RFD No. 2, Box 264, Freeburg, Ill. 62243. Applicant's representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, Clayton, Ohio 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated shipping containers*, from the plantsite of Weyerhaeuser Company, located at Omaha, Nebr. to Valmeyer, Ill.

NOTE.—The purpose of this republication is to correct applicant's and applicant's representative name, which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., Chicago, Ill. or Washington, D.C.

No. MC 126965 (Sub-No. 7), filed October 17, 1976. Applicant: CLIFFORD B. FINKLE, JR., 800 Cloomfield Avenue, P.O. Box 682 Allwood Station, Clifton, N.J. 07012. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes, and materials and supplies* used in the manufacturing, processing, and distribution of corrugated boxes (except in bulk), between the plant facilities of Westvaco Corp., located at Hoboken, N.J., on the one hand, and, on the other, points in Connecticut, New York, and Pennsylvania, under a continuing contract with Westvaco Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Newark, N.J.

No. MC 127598 (Sub-No. 3), filed September 29, 1976. Applicant: HARRY M. MOWREY, 6597 Rollymeade, Cincinnati, Ohio 45243. Applicant's representative: John F. Fulcher, 239 Crescent Lane, Cliffside Park, N.J. 07010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except frozen poultry and poultry products), *dairy plant equipment* (except articles because of size, shape or weight requir-

ing the use of special equipment) *materials and supplies*, between Louisville, Ky., on the one hand, and, on the other points in Michigan, points in Indiana on and north of U.S. Highway 36, points in Ohio on and north of U.S. Highway 30, and those in West Virginia on and East of U.S. Highway 220, under a continuing contract or contracts with Breakstone Sugar Creek Foods.

NOTE.—Applicant intends to tack its requested authority at points in Louisville, Ky., Tennessee, Indiana, Ohio, West Virginia and Michigan to provide service to points in Louisville, Ky., Tennessee, Indiana, Ohio, West Virginia and Michigan. If a hearing is deemed necessary, the applicant requests that it be held at Louisville, Ky.

No. MC 128375 (Sub-No. 148), filed October 18, 1976. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Taylorville, Ill., to points in Kansas, Iowa, Missouri and Nebraska, under a continuing contract or contracts with Western Paper Co.

NOTE.—Applicant holds common carrier authority in MC 126118 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Lincoln, Nebr.

No. MC 128375 (Sub-No. 149), filed October 18, 1976. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from St. Francisville, La., to Memphis, Tenn., and points in Iowa, Kansas, Missouri and Nebraska, under contract with Western Paper Co.

NOTE.—Applicant holds common carrier authority, in MC 126118 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 128555 (Sub-No. 14) (Correction), filed August 16, 1976, published in the FR issue of September 30, 1976, and republished as corrected this issue. Applicant: MEAT DISPATCH, INC., 2103 17th Street, East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unfrozen foodstuffs* (except in bulk), (A) from Owensboro and Henderson, Ky.; and Austin, Ind., not to exceed 5,000 lbs. per shipment, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Ohio, Rhode Island, Vermont, and the District of Columbia, and (B) from Henderson, Ky.; and Austin, Ind., not to exceed 5,000

lbs. per shipment, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) *materials, supplies and equipment* used in the manufacture of the commodities in (1) above, from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Owensboro and Henderson, Ky.; and Austin, Ind., not to exceed 5,000 lbs. per shipment (except as presently authorized), restricted in (1) and (2) above to traffic originating at or destined to the plant sites or warehouse facilities of Ragu Foods, Inc., and under a continuing contract or contracts with Ragu Foods, Inc.

NOTE.—The purpose of this republication is to indicate the proper restriction in (1) (A), (1) (B), and (2) at Austin, Ind. Applicant holds common carrier authority in MC 136123, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Rochester or Buffalo, N.Y.

No. MC 128841 (Sub-No. 16), filed October 17, 1976. Applicant: MUR-GAIL, INC., 301 North Fifth Street, Minneapolis, Minn. 55403. Applicant's representative: Samuel Rubenstein (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by premium trading stamp companies, in shipper owned or leased trailers, having an immediate prior movement by rail, and *returned shipments* of such commodities, from Minneapolis-St. Paul, Minn., to points in Minnesota, under a continuing contract, or contracts, with The Sperry and Hutchinson Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 128988 (Sub-No. 89), filed October 29, 1976. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lamps and related parts*, from the facilities of Westinghouse Electric Corporation located at or near Trenton, N.J. and Owensboro, Ky., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the west-

ern boundaries of Itasca and Koochiching Counties, Minn. to the International Boundary Line between the United States and Canada, under a continuing contract, or contracts, with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Pittsburgh, Pa.

No. MC 129720 (Sub-No. 5), filed October 1, 1976. Applicant: JACOBSEN TRANSFER, INC., Main Street and Porter Avenue, Box 47, Fairmont, Nebr. 68354. Applicant's representative: Billy R. Jacobsen (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automated feeding systems, feed storage systems, and parts and components thereof*, from points in DeKalb and Woodford Counties, Ill., to points in Nebraska; (2) *forage wagons, choppers and blowers*, from Appleton, Wis., to points in Nebraska, restricted in (1) and (2) above to a transportation service to be performed under a continuing contract, or contracts, with Geneva Concrete Company, Inc.; and (3) *steel buildings and component parts thereof*, from the plantsites of National Steel Products Co., Inc., located at or near Houston, Tex., and Terre Haute, Ind., to points in Kansas and Nebraska, under a continuing contract, or contracts, with Wilkins Steel Building Company, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 133119 (Sub-No. 103), filed October 18, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 S. 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (except commodities in bulk), from the plantsite and warehouse facility of Monsanto Company, at or near Muscatine and Des Moines, Iowa, to ports of entry on the International Boundary line between the United States and Canada, at or near Noyes, Minn.; Pembina and Portal, N. Dak.; Raymond and Sweetgrass, Mont.; and Laurier, Danville, Oroville and Blaine, Wash.; restricted to the transportation of traffic moving in foreign commerce, to points in the Provinces of Manitoba, Saskatchewan, Alberta and British Columbia, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 133377 (Sub-No. 9), filed October 26, 1976. Applicant: COMMERCIAL SERVICES, INC., 114 Memorial Road, Storm Lake, Iowa 50588. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Lyons, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr.; Kansas City, Mo.; or Chicago, Ill.

No. MC 134201 (Sub-No. 5), filed October 21, 1976. Applicant: JAMES V. PALMER, doing business as JIM PALMER TRUCKING, Highway 10 West, Route 2, Missoula, Mont. 59801. Applicant's representative: Jerome Anderson, 100 Transwestern Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing materials and supplies*, from the plant site of Certainteed Products Corporation located at Shakopee, Minn., to points in Montana (except points in Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties); and (2) *roofing roofing materials and supplies and asbestos board*, from the plant site of Johns-Manville Corp. located at Waukegan, Ill., to points in Montana (except points in Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties), under a continuing contract or contracts in (1) and (2) above with Lumber Yard Supply Co. of Great Falls, Mont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Great Falls or Helena, Mont.

No. MC 134477 (Sub-No. 121) (correction), filed September 13, 1976, published in the FR issue of October 21, 1976, and republished as corrected this issue. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing-houses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Eau Claire, and Whitehall, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia and the District of Columbia, restricted to the transportation of shipments originating at the facilities of Whitehall Packing Company, Inc., located at or near Eau Claire and

Whitehall, Wis., and destined to the above named destination points.

NOTE.—The purpose of this republication is to correct the restriction so as to read "Eau Claire and Whitehall, Wis." in lieu of "Eau Claire and Whitehall, Minn." If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134681 (Sub-No. 4), filed September 17, 1976. Applicant: VULCRAFT CARRIER CORPORATION, 4425 Randolph Road, Charlotte, N.C. 28211. Applicant's representative: Earl H. Scudder, Jr., P.O. Box 82028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such equipment, supplies, and materials* as are dealt in or utilized in the manufacture of iron and steel articles as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 767, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to the facilities of Nucor Corporation, located at or near Darlington, S.C., under a continuing contract, or contracts, with Nucor Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C. or Florence, S.C.

No. MC 134755 (Sub-No. 79), filed October 26, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of Royal Packing Co., located at or near National City, Ill., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 134755 (Sub-No. 80), filed October 18, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, and articles distributed by meat packing-houses*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of and storage facilities utilized by Midstates Industries, Inc. located at or near Sioux City, Iowa, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in No. MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Sioux City, Iowa.

No. MC 134755 (Sub-No. 81), filed October 19, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet articles; toilet preparations; drugs; medicines; cosmetic articles; and medical materials and supplies* (except in bulk), from Jefferson City, Mo. to Stone Mountain, Ga.

NOTE.—Applicant holds contract carrier authority in MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Hartford, Conn.

No. MC 135326 (Sub-No. 7), filed October 26, 1976. Applicant: BILLY R. ALMAND, doing business as ALMAND TRUCKING COMPANY, 4277 N. Market Street, P.O. Box 7959, Shreveport, La. 71107. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Bldg., Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from the plantsite of Masonite Corporation, located at Pulaski County, Ark., to points in Kansas, Louisiana, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Shreveport, La.

No. MC 135684 (Sub-No. 26), filed September 29, 1976. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW, Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic gum resin*, dry, in bulk, in tank vehicles, from the plantsite of Tenneco Chemicals, Inc.,

at or near Flemington, N.J., and Burlington, N.J., to Sanford, Maine, to points in New York, Connecticut, Rhode Island, Massachusetts, that part of New Hampshire on and south of U.S. Highway 4; Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia; (2) *synthetic gum resin*, in containers, from the plantsites of Tenneco Chemicals, Inc., at or near Flemington and Burlington, N.J. to Sanford, Maine, and points in Connecticut, Massachusetts, New York, Rhode Island, and points in that part of New Hampshire on and south of U.S. Highway 4; (3) *returned and damaged shipments of synthetic gum resin*, from Sanford, Maine, and points in Connecticut, Massachusetts, New York, Rhode Island, and points in that part of New Hampshire on and south of U.S. Highway 4, to the plantsites of Tenneco Chemicals, Inc., at or near Flemington and Burlington, N.J.; (4) *synthetic resin*, dry, in bags, from Flemington and Burlington, N.J. to points in Delaware, Maryland, Virginia, West Virginia, Ohio, Pennsylvania (except the Philadelphia, Pa. Commercial Zone, as defined by the Commission), and the District of Columbia.

(5) *Damaged, rejected, and returned shipments of synthetic resin*, dry, in bags, from points in Delaware, Maryland, Virginia, West Virginia, Ohio, Pennsylvania (except the Philadelphia, Pa. Commercial Zone, as defined by the Commission), and the District of Columbia, to Flemington and Burlington, N.J.; (6) *synthetic resin*, dry, in bulk, in tank vehicles, and in bags, from Flemington and Burlington, N.J. to points in Illinois, Indiana, Michigan, Pownel, Vt., and Winthrop and Lisbon, Maine; (7) *dry resin*, in bulk, from Flemington, N.J., to Watkinsonville, Ga.; (8) *dry synthetic resin*, in containers, (a) from Flemington and Burlington, N.J., to Piers at Hoboken, Jersey City, and Port Newark, N.J., and to Philadelphia, Pa.; and (b) from New York, N.Y., to Flemington and Burlington, N.J. (9) *dry synthetic resins*, from Flemington and Burlington, N.J. to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; (10) *dry resin*, from Burlington, N.J., to points in Iowa, Minnesota, Arkansas, Missouri, Wisconsin, Nebraska, Kansas, Oklahoma, Texas, Lewiston, Maine, Dover, N.H., and Middlebury and Winooski, Vt.; (11) *dry resins*, in containers, from points in Hudson, Essex, and Union Counties, N.J., to Burlington and Flemington, N.J.; (12) *chemicals* (except in bulk), *plastic pellets or granules and powder*, and *plastic scrap*, (a) between points in Bergen, Essex, Middlesex, and Union Counties, N.J., on the one hand, and on the other, points in that part of Pennsylvania, on and east of a line beginning at the Pennsylvania-Maryland State line and extending along unnumbered highway (formerly portion U.S. Highway 111) through Shrewsbury and Jacobus, Pa., to junction Interstate Highway 83, thence along Interstate Highway 83 through

York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction Pennsylvania Highway 295, thence along Pennsylvania Highway 295 through Zions View and Strinestown, Pa., to junction Interstate Highway 83.

Thence along Interstate Highway 83 through Lemoyne, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction U.S. Highway 15, near Harrisburg, Pa., and thence along U.S. Highway 15 to the Pennsylvania-New York State line; and (b) between points in Bergen, Essex, Hunterdon, Middlesex, and Union Counties, N.J., on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, and Rhode Island; (13) *plastic film and sheeting*, from Nixon, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia; (14) *chemicals* in containers and *plastic sheeting*, from the destination territory described in (13) above, to Nixon, N.J.; (15) *plastic film, plastic sheeting, and plastic doors and partitions*, between Nixon, N.J., Newton Upper Falls, Mass., and Arlington Heights, Ill.; (16) *plastic film and sheeting*, from Nixon, N.J., to points in New Hampshire, Ohio, Illinois, Indiana, Michigan, Iowa, Minnesota, Missouri, Wisconsin, Kansas, Oklahoma, Georgia, North Carolina, South Carolina, Texas, Nebraska, Louisiana, Alabama, Florida, Tennessee, and Kentucky; (17) *materials and supplies* used in the manufacture and sale of plastic film and sheeting (except in bulk), from the destination territory described in (16) above, to Nixon, N.J.; (18) *chemicals, naval stores, and tall oil products*, (except in bulk), from Bay Minette, Ala., and Pensacola and Telogia, Fla., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, and New Hampshire, to Bay Minette, Ala., and Pensacola and Telogia, Fla.; (20) *chemicals, naval stores, and tall oil products* (except commodities in bulk), from Flemington, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; (21) *chemicals, and plastic materials and products* (except commodities in bulk) from Fords, Garfield, Elizabeth, East Rutherford, Rockaway, Carlstadt, Belleville, Paterson, Moonachie, Piscataway and Linden, N.J., and New York, N.Y., to points in Indiana, Michigan, Ohio, Illinois, Missouri, Minnesota, Wisconsin, Kentucky, Iowa, and Kansas;

(22) *materials, supplies and equipment* utilized in the manufacture, sale and distribution of chemicals and plastic materials and products (except commodities in bulk) from points in the destination states named in (21) above, to the above-described origins; (23) *chemicals, paints, and varnish driers*, in containers, (a) between Bishop, Dallas, and Houston, Tex., on the one hand, and, on the other, points in Orange and Los Angeles Counties, Calif.; and (b) from points in Los Angeles and Orange Counties, Calif., to points in Arizona, Montana, Washington, Oregon, Idaho, and California; (24) *coal tar dyes and dye-stuffs* (except in bulk), from Lobeco, S.C., to Reading, Pa., and Paterson, N.J.; (25) *material and supplies* used in the manufacture of coal tar dyes and dye-stuffs (except commodities in bulk), from Reading, Pa. and Paterson, N.J. to Lobeco, S.C.

(26) *chemicals* (except in bulk), from Reading, Pa., and Paterson and Belleville, N.J., to Dalton, Ga., High Point, N.C., Nashville, Tenn., Atlanta, Ga., and Charlotte, N.C.; (27) *material and supplies* used in the manufacture of chemicals, (except commodities in bulk), from Dalton, Ga., High Point, N.C., Nashville, Tenn., Atlanta, Ga., and Charlotte, N.C. to Reading, Pa. and Paterson and Belleville, N.J.; (28) *ground limestone*, in bulk, from Florence and Chester, Vt., to Burlington, N.J.; (29) *limestone*, in bags, and in tank or hopper-type vehicles, from Texas, Md., to Burlington and Flemington, N.J.; and (30) *ground clay*, in bulk, from Gordon and Sandersville, to Burlington, N.J. All of the above authority is restricted to traffic originating at or destined to facilities of Tenneco Chemicals, Inc.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Flemington, or Trenton, N.J.

No. MC 135684 (Sub-No. 27) filed October 19, 1976. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dublin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Confectioneries*, (except in bulk), from the facilities of E. J. Brach & Sons, division of American Home Products Corporation, located at or near Chicago, Ill., to points in Wayne, Oakland, Macomb, Washtenaw, Monroe and St. Clair Counties, Mich. and points in Pennsylvania, North Carolina, South Carolina, Virginia, Maryland, Florida and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 136342 (Sub-No. 10) filed October 26, 1976. Applicant: JACKSON

AND JOHNSON, INC., P.O. Box 327, Savannah, N.Y. 13146. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from Hamlin, Holley, and Williamson, N.Y. and Aspers, Pa., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, under a continuing contract, or contracts, with Duffy-Mott Company, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 134197 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York City or Buffalo, N.Y.

No. MC 136786 (Sub-No. 104) filed October 22, 1976. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Lawrenceville and Rome, Ga., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136786 (Sub-No. 105) filed October 26, 1976. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Portland, Ore., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136881 (Sub-No. 2) filed October 26, 1976. Applicant: GARRITY TRUCKING, INC., 314 Mill Street, Fortville, Ind. 46040. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, wood and plastic products*, between the plant or warehouse site of Ha-Marque Reserve Warehouse, Inc., located in Indianapolis, Ind., on the one hand, and, on the other, points in Alabama, Illinois, Kentucky, Michigan, Ohio and Wisconsin, under a continuing contract, or contracts, with Ha-Marque Reserve Warehouse, Inc., located in Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 136848 (Sub-No. 11) filed October 4, 1976. Applicant: JAMES BRUCE LEE AND STANLEY LEE, a partnership, doing business as LEE CONTRACT CARRIERS, P.O. Box 48, Old Route 66, Pontiac, Ill. 61764. Applicant's representative: Edward F. Stanula, 837 East 162nd St., South Holland, Ill. 60473. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Magazines, magazine parts, printed paper and printed inserts*, (a) from Pontiac, Ill., to Milwaukee, New Berlin and Waukesha, Wis.; New York, N.Y.; Fairview, Vineland and Trenton, N.J.; Bridgeport, New Britain, North Haven, and Bristol, Conn.; Indianapolis, Ind.; Des Moines, Meredith and Mt. Pleasant, Iowa; Dayton, Ohio; Waseco, Minn.; Hialeah, Fla.; Lavonia, Mich.; and Effingham, Chicago, Bloomington, Carbondale and Centralia, Ill.; and (b) from Bristol, Conn., to Pontiac, Crystal Lake, Effingham, Bloomington and Chicago, Ill.; and (2) *printing paper* (other than newsprint or carbonized) not printed or imprinted, in rolls or sheets, (a) from Niagara Falls and Corinth, N.Y.; Luke, Md.; Millinocket, Maine; Catawba, S.C.; and Biron, Wis., to Pontiac, Ill. and Bristol, Conn.; and (b) between Pontiac, Ill. and Bristol, Conn., under a continuing contract, or contracts, with City National Printing Co. located at Pontiac, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 138157 (Sub-No. 30) filed October 18, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, Tenn. 37140. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen cookie and brownie dough*, in vehicles equipped with mechanical refrigeration, from the plantsites and storage facilities utilized by The Original Cookie Company, Inc. located at or near Los Angeles, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 138202 (Sub-No. 3) filed October 20, 1976. Applicant: T. RAFFAELE TRUCKING CORP., 1535A Kennelworth Place, Bronx, N.Y. 10465. Applicant's representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sporting and camping equipment*, between the facilities of Academy Broadway, located at Smithtown, N.Y., on the one hand, and, on the other, points in that part of the New York, N.Y. Commercial Zone, as de-

fined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203 (b) (8) of the Interstate Commerce Act (the "exempt" zone), under a continuing contract with Academy Broadway, Smithtown, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 138420 (Sub-No. 14) filed October 26, 1976. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., P.O. Box 147, Cleveland, Wis. 53015. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, 329 West Wilson Street, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising equipment, premiums, materials, and supplies* when shipped therewith, (1) from Monroe, Wis., to points in Arkansas, Illinois (except Collinsville, Springfield and Belleville), Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania and Tennessee; and (2) from Chicago, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis.

No. MC 138469 (Sub-No. 31) filed October 22, 1976. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 20, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets*, from the facilities of Triangle Pacific Cabinet Corporation, located at Auburn, Nebr., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Minnesota, Montana, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming, restricted to the movement of traffic originating at the above named origin and destined to the above named destinations.

NOTE.—Applicant states that the purpose of this application is to convert its Permit in MC 136375 (Sub-No. 2) to a Certificate of Public Convenience and Necessity. Applicant holds contract carrier authority in MC 136375 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 138471 (Sub-No. 7) filed October 15, 1976. Applicant: DANIEL J. LEONARD, doing business as LEONARD TRUCKING, 1605 Westside Highway, Kelso, Wash. 98626. Applicant's representative: David C. White, 2400 S.W. Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beverages* (except in bulk), from points in California, to points in Wash-

ington in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, Skamania and Klickitat Counties.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Olympia, Wash. before Joint Board No. 5.

No. MC 138869 (Sub-No. 8) filed October 15, 1976. Applicant: W. T. MYLES TRANSPORTATION CO., a Corporation, P.O. Box 321, 4481 Moreland Ave., Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Fiberglass bathtubs, tub showers and shower stalls*, (1) from Middlebury, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) from Parkersburg, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with Crane Co.

NOTE.—Applicant holds common carrier authority in MC 140563 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 139193 (Sub-No. 46), filed October 19, 1976. Applicant: ROBERTS & OAKE, INC., P.O. Box 1356, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billig, 2033 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is used or dealt in by wholesale, retail, and chain grocery and food business houses, between the plant sites, warehouses and storage facilities of Lever Brothers Company, located at Chicago, Ill., on the one hand, and, on the other, Arlington and Houston, Tex.; Denver, Colo.; Los Angeles, Calif.; Richmond, Va.; Portland, Oreg.; Baltimore, Md.; Edgewater, N.J.; Blue Ash, Ohio; Jacksonville, Fla.; New Orleans, La.; St. Paul, Minn.; Taylor, Mich.; Saylesville, R.I.; Atlanta, Ga.; St. Louis, Mo. and Syracuse, N.Y.; under a continuing contract with Lever Brothers Company.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 139193 (Sub-No. 47), filed October 20, 1976. Applicant: ROBERTS & OAKE, INC., P.O. Box 1356, 527 East 52nd Street, North Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billig, 2033 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting:

(1) *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from Sioux City and Estherville, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *such commodities as are used by meat packers in the conduct of their business, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia to Sioux City and Estherville, Iowa, restricted to traffic transported under a continuing contract or contracts with John Morrell & Co.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 139193 (Sub-No. 48) filed October 27, 1976. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle St., Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 2033 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from St. Paul, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *such commodities as are used by meat packers in the conduct of their business, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to St. Paul, Minn., under a continuing contract, or contracts, with John Morrell & Co.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 139850 (Sub-No. 6), filed October 18, 1976. Applicant: FOUR STAR TRANSPORTATION, INC., 301-12 Park Building, Council Bluffs, Iowa 51501. Applicant's representative: Leonard Wilkins, Box 66, Underwood, Iowa 51576. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates*, 61

M.C.C. 209 and 766 (except hides and commodities in bulk, in tank trailers), from the plantsites and storage facilities owned or utilized by Flavorland Industries, Inc., located at or near Sioux City, Iowa, to points in California, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Kansas City, Mo.

No. MC 140389 (Sub-No. 10), filed October 14, 1976. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Highway 77 North, Gadsden, Ala. 35902. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food-stuffs from Clearfield Freeport Center located at or near Clearfield, Utah, to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, Salt Lake City, Utah or Washington, D.C.

No. MC 141033 (Sub-No. 17), filed October 22, 1976. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lawn tools, garden tools, striking tools and snow tools, from Parkersburg, W. Va., to points in the United States on and west of the Mississippi River (except Alaska and Hawaii).* Applicant holds contract carrier authority in MC 124796 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141138 (Sub-No. 4), filed October 7, 1976. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, Ill. 62221. Applicant's representative: John L. Schranz (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients, in bulk, (1) from East St. Louis, Ill., to Memphis, Tenn.; and (2) from Memphis, Tenn., to points in Missouri and Illinois.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Memphis, Tenn.

No. MC 141641 (Sub-No. 3), filed October 26, 1976. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, Univac Building, Suite 530, Omaha, Nebr. 68106.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.*

NOTE.—Applicant holds contract carrier authority in No. MC-136168 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141652 (Sub-No. 7), filed October 29, 1976. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic rubber—liquid, synthetic rubber—crude, plasticizers, and synthetic rubber—resins, from Moss Point, Miss., to points in Arizona, California, Texas and Utah.*

NOTE.—Applicant holds contract carrier authority in No. MC 138807 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y. or Washington, D.C.

No. MC 141655 (Sub-No. 4), filed October 13, 1976. Applicant: TRANS-PHOS, INC., 410 Ware Avenue, Suite 713, Tampa, Fla. 33619. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste lime paste, in bulk, in dump vehicles, from points in Alabama, Georgia, North Carolina and South Carolina, to points in Polk County, Fla.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tampa or Jacksonville, Fla.

No. MC 141807 (Sub-No. 3), filed October 27, 1976. Applicant: BIG SKY EXPRESS, INC., 501 Main, Miles City, Mont. 59301. Applicant's representative: H. D. Buelow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Miles City and Baker, Mont., serving all intermediate points, and the off-route point of Ismay, Mont.: From Miles City over U.S. Highway 12 to Baker.*

NOTE.—Applicant holds contract carrier authority in MC 107441, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 142045 (Sub-No. 1), filed October 18, 1976. Applicant: McNEIL TRANSPORT LIMITED, 147 North Augusta Road, Brockville, Ontario Canada K6V 2Y1. Applicant's representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ogdensburg, N.Y., on the one hand, and, on the other, the port of entry on the International Boundary line between the United States and Canada, located at or near Ogdensburg, N.Y., restricted to the transportation of traffic moving in foreign commerce.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Syracuse or Buffalo, N.Y.

No. MC 142102 (Sub-No. 2), filed October 26, 1976. Applicant: JOHN ROSS, doing business as JOHN ROSS TRUCKING, 1050 N.W. 125th Street, Miami, Fla. 33168. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crated and uncrated new furniture, from Miami, Fla., to points in Georgia, North Carolina, South Carolina, and Virginia; and (2) Crated and uncrated furniture components, and furniture raw materials, from Guntown and New Albany, Miss., Memphis, Tenn., and points in North Carolina and South Carolina, to Miami, Fla., under a continuing contract or contracts, in (1) nad (2) above with Melville, Inc.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Miami, Fla. or Atlanta, Ga.

No. MC 142102 (Sub-No. 3), filed October 26, 1976. Applicant: JOHN ROSS, doing business as JOHN ROSS TRUCKING, 1050 N.W. 125th Street, Miami, Fla. 33168. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture upholstery fabric, wood furniture frames, polystyrene beads, and articles used or useful in the manufacture of furniture, (1) from Westhaven, Conn., Fall River, Lawrence, Randolph and Amesbury, Mass., New Brunswick and Finderne, N.J., and Hickory, N.C., to Miami, Fla.; and (2) from Miami, Fla., to Randolph, Mass., under a continuing contract, or contracts in (1) and (2) above with Melville, Inc.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Miami, Fla. or Atlanta, Ga.

No. MC 142210 (Sub-No. 1), filed October 7, 1976. Applicant: JOHN N. SCOTT, doing business as SCOTT'S MOTOR LINE, 1928 S. Institute, Colorado Springs, Colo. 80906. Applicant's representative:

John N. Scott (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such products as are dealt in by wholesale grocery and food business houses, and restaurants, including flour, coffee, shortening, sugar, jellied fillings and other grocery products (except commodities in bulk or in tank vehicles), between Colorado Springs, Colo., Albuquerque, Farmington, and Santa Fe, N. Mex., and El Paso, Tex.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Colorado Springs or Denver, Colo.

No. MC 142239 (Sub-No. 3), filed October 26, 1976. Applicant: WASHINGTON TRANSPORTATION CO., A Corporation, 1717 North 70th Avenue, Omaha, Nebr. 68104. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), (1) from Sioux City, Iowa, to points in Illinois and Indiana; and (2) from Sioux City, Iowa and Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia, under a continuing contract, or contracts, in (1) and (2) above with Flavorland Industries, Inc.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Sioux City, Iowa.

No. MC 142287 (Sub-No. 2), filed October 21, 1976. Applicant: TOM YOUNKIN, INC., 821 Sandusky Street, Ashland, Ohio 44805. Applicant's representative: Tom Younklin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex, and liquid plastic, (except in bulk, in tank vehicles), between Ashland, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin, under a continuing contract with General Latex and Chemical Corporation of Ohio.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Ashland or Cleveland, Ohio.

No. MC 142340 (Sub-No. 2), filed October 13, 1976. Applicant: HERBERT F.

CLARK, JR., INC., R.D. 2, Box 357D, Selkirk, N.Y. 12158. Applicant's representative: Neil D. Breslin, 99 Washington Avenue, Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metal* from Green Island, N.Y., to Rhode Island; and the port of entry on the international boundary line between the United States and Canada located at Niagara Falls, N.Y.; Fairless Hills, Pa., Massachusetts; New Jersey; Connecticut; Vermont; Maine; and New Hampshire; (2) *Scrap metal* in dump vehicles, from Albany, N.Y., to New Jersey; Connecticut; Massachusetts; Rhode Island; and the port of entry on the international boundary line between the United States and Canada located at Niagara Falls, N.Y.; (3) *Scrap metal*, in dump vehicles, from Colonie (Albany County), N.Y., to New Jersey; Connecticut; Massachusetts; Rhode Island; and the port of entry on the international boundary line between the United States and Canada located at Niagara Falls, N.Y.; and; (4) *Scrap metal*, in dump vehicles, from New Jersey to Albany County, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 142350 (Sub-No. 2), filed September 23, 1976. Applicant: MALT TRANSPORT, INC., 58 Rogers Avenue, West Springfield, Mass. 01089. Applicant's representative: William P. Sullivan, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from South Volney, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (2) *returned empty malt beverage containers*, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, to South Volney, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Springfield, Mass.

No. MC 142447 (Sub-No. 1), filed September 27, 1976. Applicant: LOUISIANA-PACIFIC TRUCKING COMPANY, 100 Interstate 45, N. Conroe, Tex. 75633. Applicant's representative: Jack L. Coke, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and sawdust, wood shavings and bark*, in bulk (a) from the plantsite and storage facilities of Louisiana Pacific Corporation located at or near Carthage, Tex., to the plantsite and storage facilities of International Paper Corporation located at or near Springhill, La.; and (b) from the plantsite and storage facilities of Louisiana Pacific Corporation located at or near Jasper, Tex., to the plantsite and storage facilities of Boise Southern Corporation located at or near DeRidder, La., under a

continuing contract or contracts with Louisiana-Pacific Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Dallas, Tex.

No. MC 142471 (Sub-No. 2), filed October 18, 1976. Applicant: SNOOZIE SHAVINGS, INC., 1033 Chetco Ave., P.O. Box 643, Brookings, Ore. 97415. Applicant's representative: Frank E. Larwood, 8050 SE. 13th Avenue, Portland, Ore. 97202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust and shavings*, in bulk, between points in Coos, Curry and Josephine Counties, Ore., on the one hand, and, on the other, points in Humboldt and Des Norte Counties, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Crescent City, Calif.; Coos Bay or Portland, Ore.; or San Francisco, Calif.

No. MC 142508 (Sub-No. 1), filed October 29, 1976. Applicant: NATIONAL TRANSPORTATION, INC., 14031 L Street, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 North LaSalle, Suite 2108, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fort Morgan, Colo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at Morgan Colorado Beef, Inc. and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in No. MC 134734 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Omaha, Nebr.

No. MC 142517 (Sub-No. 1), filed September 29, 1976. Applicant: HOWARD DELIVERY SERVICE, INC., 5-270 General Motors Bldg., Detroit, Mich. 48202. Applicant's representative: Francis W. McInerney, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, components, materials and supplies* (except commodities in bulk), between Boston and Westwood, Mass., on the one hand, and, on the other, points in Massachusetts, under a continuing contract or contracts with General Motors Parts Division, General Motors Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Boston, Mass.

No. MC 142539, filed October 13, 1976. Applicant: B. W. T. TRANSPORT, INC., 757 River Drive, Passaic, N.J. 07055. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys; pool supplies; chemicals; cleaning washing, scouring compounds* (except in bulk), and *materials, equipment, and supplies*, used in the manufacture and sale of the foregoing commodities (except in bulk), between the facilities of Coastal Chemical Co., Division Coastal Industries, Inc., at Carlstadt, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia and the District of Columbia, under a continuing contract or contracts with Coastal Chemical Co., Division Coastal Industries, Inc., at Carlstadt, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 142565 (Sub-No. 1), filed October 18, 1976. Applicant: DON RAY DRIVE-A-WAY COMPANY, INC., 305 N. 13th Street, Decatur, Ind. 46733. Applicant's representative: Edwin J. Simcox, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in drive-away and tow-away service, between Decatur, and points in Adams County, Ind., and Quincy, and points in Branch County, Mich., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 142570 (Sub-No. 1), filed October 15, 1976. Applicant: WELDON G. WILSON, doing business as ADVANCE MOVING & STORAGE CO., 120 East "D", P.O. Box 202, Altus, Okla. 73521. Applicant's representative: Weldon G. Wilson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and military baggage* restricted to a pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments, between points in Beaver, Backham, Custer, Dewey, Ellis, Greer, Harmon, Jackson, Roger Mills, and Washita Counties, Okla., and Childress, Collingsworth, Donley, Gray, Hall, Hemphill, Lipscomb, Ochiltree, Roberts and Wheeler Counties, Tex., under a

continuing contract, or contracts, with Altus AFB, located in Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Forth Worth or Amarillo, Tex. or Oklahoma City, Okla.

No. MC 142579, filed October 17, 1976. Applicant: CONRAD L. CATHEY doing business as CONRAD CATHEY TRUCKING CO., McDonald Drive, P.O. Box 1041, Many, La. 71449. Applicant's representative: Conrad L. Cathey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Par-ticleboard*, from Many, La. to points in Arkansas, Louisiana, Mississippi, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baton Rouge or New Orleans, La. or Houston, Tex.

PASSENGER APPLICATIONS

No. MC 135572 (Sub-No. 2), filed October 22, 1976. Applicant: PITT LIMO, INC., P.O. Box 4087, Star City, W. Va. 26505. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburg, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, between the Greater Pittsburgh International Airport, located in Moon Township, near Pittsburgh, Pa., on the one hand, and, on the other, points in Preston, Monongalia, Marion, Taylor and Harrison Counties, W. Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 140845 (Sub-No. 4), filed September 27, 1976. Applicant: HOKE BUS LINES, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 930, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) regular routes: *Passengers, baggage, newspapers and express*, (1) Between Delaware, Ohio and Marysville, Ohio, serving all intermediate points: From Delaware over U.S. Highway 36 to Marysville, and return over the same route; (2) Between Delaware, Ohio and Dublin, Ohio, serving all intermediate points: (a) From Delaware, over U.S. Highway 42 to its junction with Ohio Highway 745, thence over Ohio Highway 745 to Dublin, and return over the same route; and (b) From Delaware over U.S. Highway 42 to its junction with Ohio Highway 257, thence over Ohio Highway 257 to Dublin, and return over the same route; (3) Between Columbus, Ohio and Dublin, Ohio, serving all intermediate points: From Columbus over Ohio Highway 315 to its junction with Ohio Highway 161, thence over Ohio Highway 161 to Dublin, and return over the same route; (4) Between Lima, Ohio and Wapakoneta, Ohio: (a) From Lima over Ohio Highway 65 to its junction with Ohio Highway 33, thence over Ohio

Highway 33 to Wapakoneta, and return over the same route, serving all intermediate points; and (b) From Lima over Interstate Highway 75 to Wapakoneta, and return over the same route, as an alternate route for operating convenience only; (5) Between St. Marys, Ohio and Dayton, Ohio, serving all intermediate points: From St. Marys over Ohio Highway 66 to its junction with U.S. Highway 36, thence over U.S. Highway 36 to its junction with Ohio Highway 48, thence over Ohio Highway 48 to Dayton, and return over the same route.

(6) Between Celina, Ohio and New Hampshire, Ohio, serving all intermediate points: From Celina over Ohio Highway 29 to U.S. Highway 33, thence over U.S. Highway 33 to New Hampshire, and return over the same route; (7) Between Wapakoneta, Ohio and Dayton, Ohio, serving all intermediate points: From Wapakoneta over County Road 25A to the Montgomery County, Ohio line and the intersection with North Dixie Drive, Montgomery County, thence over North Dixie Drive to Dayton, and return over the same route; (8) Between the junction of Taywood Road and Ohio Highway 48 (Montgomery County, Ohio) and Dayton, Ohio, serving all intermediate points: From the junction of Taywood Road and Ohio Highway 48 over Taywood Road to Westbrook Road, thence over Westbrook Road to its intersection with Salem Bend Drive, thence over Salem Bend Drive to its intersection with Shiloh Springs Road, thence over Shiloh Springs Road to its intersection with Olive Road, thence over Olive Road to its intersection with Free Pike, thence over Free Pike to its intersection with Salem Avenue, thence over Salem Avenue to Dayton, Ohio and return over the same route; (9) Between the junction with Olive Road, thence over Olive (Montgomery County, Ohio) and Dayton, Ohio, serving all intermediate points: From the junction of Free Pike and Olive Road over Olive Road to its intersection with Wolf Creek Pike, thence over Wolf Creek Pike to Dayton, and return over the same route; (10) Between Englewood, Ohio and Dayton, Ohio, serving all intermediate points: From Englewood over Ohio Highway 48 to Dayton, and return over the same route; (11) Between Dayton, Ohio and Xenia, Ohio: (a) From Dayton over U.S. Highway 35 and Dayton-Xenia Pike to Xenia, and return over the same route, serving all intermediate points; and (b) From Dayton over U.S. Highway 35 to Xenia, and return over the same route, as an alternate route for operating convenience only; and (B) Irregular Routes: *Passengers, baggage, newspapers and express*, in charter and special operations, in round-trip, sightseeing and pleasure tours, beginning and ending at points in Champaign, Erie, Greene, Hancock, Huron, Knox, Lucas, Miami, Montgomery, Ottawa, Preble, Putnam, Sandusky, Shelby, Seneca and Wood Counties, Ohio, and extending to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 142325 (Sub-No. 2) filed October 15, 1976. Applicant: ALEXANDER JAMES AND JAMES E. SYKES, JR., a partnership, doing business as ALJAMCO LEISURE, 36 N. Edgewood Street, Philadelphia, Pa. 19139. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, when moving in the same vehicle, in round trip tour service in connection with fishing excursions, limited to the transportation of not more than eleven (11) passengers in any one vehicle (not including the driver), beginning and ending at Philadelphia, Pa., and extending to points in New Jersey on the Atlantic Coast between and including Pennsgrove and Sandy Hook, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Atlantic City, N.J.

No. MC 142378 (Sub-No. 2), filed October 21, 1976. Applicant: CENTRAL DISPATCH, INC., 650 Manhattan Street, Harvey, La. 70058. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*; (2) *detained persons*, including stowaways when moving under guard or in custody of applicant, and *their baggage*, between points in Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, Iberville, East Baton Rouge, West Baton Rouge, and Calcasieu Parishes, La.; Harrison and Jackson Counties, Miss.; Orange, Jefferson, Cameron, and Calhoun Counties, Tex.; Baldwin and Mobile Counties, Ala.; and Baytown, Houston, Galveston, Corpus Christi, Texas City and Freeport, Tex.; restricted in (1) above to ship's officers, crew members, company personnel and representatives engaged in and responsible for the operation, maintenance, repair or safety of ocean going ships and vessels.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

BROKER APPLICATION

No. MC 130417, filed October 15, 1976. Applicant: CAROLINA TOURS, INC. OF NORTH CAROLINA, One Hilton Drive, Asheville, N.C. 28806. Applicant's representative: A. Wilder Wadford, 38 North Main St., Weaverville, N.C. 28787. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Asheville, N.C., to sell or offer to sell the transportation of *individual passengers and groups of passengers and their baggage*, in round trip tours, by motor carrier, beginning and ending at points in Buncombe, Henderson, Haywood, McDowell, Burke, and Ruther-

fordton Counties, N.C., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Asheville, Charlotte, or Greensboro, N.C.

FREIGHT FORWARDER APPLICATION

No. FF 252 (Sub-No. 4), filed October 19, 1976. Applicant: CHI-CAN FREIGHT FORWARDING LTD., 4956 So. Kedzie Avenue, Chicago, Ill. 60632. Applicant's representative: Daniel C. Sullivan, 327 So. LaSalle St., Chicago, Ill. 60604. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of *general commodities* (except commodities in bulk, motor vehicles, used household goods, and unaccompanied baggage), between ports of entry on the International Boundary Line between the United States and Canada located at points in Michigan and New York, on the one hand, and, on the other, points in California, Indiana, Minnesota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-12570. Supplement to notice published in the FEDERAL REGISTER July 2, 1975. By order dated June 2, 1976, CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804, was authorized to acquire certain operating rights of Saturn Express, Inc., 7860 F St., Omaha, NE 68127, in addition to those sought in the original application. Ronnie L. Whitworth, and Ricky L. Whitworth, both of 3034 Carlisle Circle, Springfield, MO 65804, and Commerce Bank, 1661 Boonville Ave., Springfield, MO 65803, Trustee for Floyd L. Whitworth, of 3034 Carlisle Circle, Springfield, MO 65804, were authorized to acquire control of these rights through the transaction by the same order. Those additional operating rights are as follows: *Meat, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C

of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from the facilities of Swift Fresh Meats Company at Grand Island, Nebraska, to points in Tennessee, North Carolina, South Carolina, Georgia, and Florida. The above-described operating rights are restricted to shipments originating at the above-named origins and destined to the indicated destinations, and are subject to the Commission's right to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that the carrier's operations shall conform to the provisions of Section 210 of the Act. Interested parties have 30 days from the date of this supplemental notice to file protests to the transfer of the above-described operating rights.

No. MC-F-13010. Authority sought for purchase by GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Detroit, MI 49423, of a portion of the operating rights of DuBose Trucking Company, Inc., Route 1, Box 428, Denham Springs, LA 70726, and for acquisition by Marinus Van Wyk, 694 Concord Drive, Holland, Michigan, 49423, of control of such rights through the purchase. Applicants' attorney: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Operating rights sought to be transferred: *Book pages*, as a *common carrier* over irregular routes, from Versailles, KY to Chicago, Ill., with no transportation for compensation on return except as otherwise authorized, from Hammond, IN to Versailles, KY with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate as a *common carrier* in Alabama, the District of Columbia, Indiana, Kentucky, Illinois, Iowa, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13011. Authority sought for continuance of control by Jack I. Murphree, an individual (non-carrier), 1221 Faydur Court, Nashville, TN 37210, to continue control of JIMCO INC., (whose authority is presently pending before this Commission) 500 Court Square Building, Nashville, TN 37201. Applicants' attorney: Don R. Binkley, 500 Court Square Building, Nashville, TN 37201. Operating rights sought to be controlled. Under MC 142586 (Pending), Transportation as a *common carrier*, by motor vehicle, over irregular routes, of general commodities (except commodities in bulk, household goods, and commodities which because of size and weight require special equipment) having a prior or subsequent movement by rail: between points in Blount, Calhoun, Cherokee, Cleburne, Colbert, Cullman, DeKalb, Etowah, Fayette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, St. Clair, Talladega, Walker and Winston Counties in Alabama; Clay, Craighead, Critten-

den, Cross, Greene, Lee, Mississippi, Phillips, Poinsett and St. Francis Counties in Arkansas; Bartow, Catoosa, Chatanooga, Dade, Floyd, Gordon, Murray, Polk, Walker and Whitfield Counties in Georgia; Alexander, Massac and Pulaski Counties in Illinois; Clark, Floyd, Gibson, Harrison, Posey, Venderburg, Warrick and Washington Counties in Indiana; Adair, Allen, Anderson, Ballard, Barren, Bell, Bourbon, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Edmondson, Fayette, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Knox, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, McCracken, McCreary, McLean, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pulaski, Rock Castle, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley and Woodford Counties in Kentucky; Alcorn, Benton, Chickasaw, Coahoma, Desoto, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Tate, Tawamba, Tishomingo, Tunica and Union Counties in Mississippi; Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot and Scott Counties in Missouri; Smyth and Washington Counties in Virginia; and, Tennessee. Jack I. Murphree, holds no authority from this Commission. However it controls WEST TENNESSEE MOTOR EXPRESS, INC., who under MC 96961 (a Certificate of Registration) is authorized to operate as a *common carrier* over regular routes in the State of Tennessee. Application has not been filed for temporary authority under section 210a(b).

NOTE.—The application for the authority is being filed and processed concurrently with the finance proceeding as a directly related matter (MC 142586). Processing of the finance application in conjunction with the authority sought is necessary because of the common control of WEST TENNESSEE MOTOR EXPRESS, INC., a *common carrier* operating pursuant to a Certificate of Registration contained in Docket No. MC 96961. A separate related matter, an application to convert the Certificate of Registration is being processed concurrently (MC 96961 Sub-3).

No. MC-F-13013. Authority sought for purchase by KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50702, of a portion of the operating rights of JOHNSRUD TRANSPORT INC., Highway 9 West, P.O. Box 447, Cresco, IA 52136, and for acquisition by Allen E. Kroblin, Loyal Frisch, and Kenneth L. Schadle, all of the 2125 Commercial St., Waterloo, IA 50702, address, of control of such rights through the purchase. Applicants' attorney and representatives: Allen E. Kroblin, Kroblin Refrigerated Xpress, Inc., Box 5000, Waterloo, IA 50704, John P. Rhodes, KRX, Inc. P.O. Box 5000, Waterloo, IA

50704, and Patrick E. Quinn, P.O. Box 82028, Lincoln, NB 68501. Operating rights sought to be transferred: Meats, meat products, and meat by-products, and articles distributed by meat packing-houses as described in sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), as a *common carrier*, over irregular routes from the facilities of the Rod Barnes Packing Company and Flanery Meat Company at or near Huron, S. Dak., to points in Georgia, North Carolina and South Carolina with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate as a *common carrier* in Alabama, Georgia, Illinois, Iowa, Kentucky, Minnesota, Missouri, Nebraska, North Carolina, South Carolina, South Dakota, Tennessee, Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13014. Authority sought for purchase by INTER-CITY TRANSPORT & MOTOR COMPANY, INC., Liggett Addition, P.O. Box 88, Buckhannon, WV 26021, of the operating rights of SNYDER TRUCKING COMPANY, 2300 Palmer Street, Pittsburgh, PA 15218, and for acquisition by W. L. TURNER, P.O. Box 88, Buckhannon, WV 26201, of control of such rights through the purchase. Applicants' attorneys: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219, and A.A. Bluestone, 523 Grant Building, Pittsburgh, PA 15219. Operating rights sought to be transferred: *Waxed paper*, as a *contract carrier* over irregular routes between Dayton, Ohio, on the one hand, and, on the other, Anderson, Fort Wayne, Indianapolis, and Kokomo, Ind., Frankfort, Lexington, and Louisville, Ky., Charleston, Huntington, and Wheeling, W. Va., and Pittsburgh, Pa., and with persons (as defined in Section 203(a) of the Interstate Commerce Act), who operate wholesale and retail stores, the business of which is the sale of food; *such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between Columbus, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., Charleston, Huntington, and Wheeling, W. Va., all points in Indiana, and those in Kentucky on and north of a line extending from the Ohio River east through Morganfield and Danville, Ky. to the Kentucky-Virginia State line. And with persons (as defined in Section 203(a) of the Interstate Commerce Act), who operate paper manufacturing plants, the business of which is the manufacture and sale of corrugated paper, corrugated paper, in sheets and knocked-down boxes, and materials used in the manufacture and sale of corrugated paper, between Columbus, Ohio, on the one hand, and, on the other, New Castle, Pittsburgh, and Reading, Pa., all points in Indiana and Kentucky, and

those in West Virginia on and west of U.S. Highway 219. And with persons (as defined in Section 203(a) of the Interstate Commerce Act), who operate bakeries, the business of which is the manufacture and sale of bakery goods, *bakery goods, and materials used in the manufacture and sale of bakery goods*, between all points in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia, *candy and confectionery*, in mixed shipments with bakery goods, when the candy and confectionery do not exceed 25 percent of the shipment, and *materials used in the manufacture and sale of candy and confectionery*, between Dayton, Ohio, on the one hand, and, on the other, all points in Indiana, Kentucky, Pennsylvania, and West Virginia. And with persons (as defined in Section 203(a) of the Interstate Commerce Act), who operate soap manufacturing plants, the business of which is the manufacture and sale of soap. *Soap and materials used in the manufacture and sale of soap*, between Dayton, Ohio, on the one hand, and, on the other, Fort Wayne and Indianapolis, Ind., Frankfort, Lexington and Louisville, Ky., Charleston, Huntington, and Wheeling, W. Va., and Pittsburgh, Pa.; corrugated paper in sheets and knocked-down boxes and materials used in the sale of corrugated paper, from Columbus, Ohio, to points in Pennsylvania, with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate as a *contract carrier* in Arkansas, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13015. Authority sought for purchase by SCHWERMAN TRUCKING CO., 611 So. 28 St., P.O. Box 1601, Milwaukee, WI 53201, of a portion of the operating rights of Alex K. Scherer, 1101 Fulton Street, Box 736, Ottawa, IL 61350, and for acquisition by Fred J. Schwerman and Carl L. Schwerman, both of 611 So. 28 St., Milwaukee, WI 53215, of control of such rights through the purchase. Applicants' attorneys: James R. Ziperski, P.O. Box 1601, Milwaukee, WI 53201, and John P. Meyer, 907 South 4th Street, Springfield, IL 62703. Operating rights sought to be transferred: *Sand*, as a *common carrier* over irregular routes from points in La Salle County, Ill., to points in Indiana, Kentucky, Michigan, Iowa, Minnesota, Missouri, Ohio, and Wisconsin, *with restrictions; building and roofing materials and materials, supplies, and equipment* used or useful in the manufacture of building and roofing materials, between points in La Salle County, Ill., on the one hand, and, on the other, points in Indiana; *silica sand*, from points in La Salle County, Ill., to Davenport, Iowa, and points in that part of Wisconsin on and south of U.S. Highway 18, with no transportation for compensation on return, except as otherwise authorized. SCHWERMAN TRUCKING

CO., is authorized to operate as a *contract carrier* in Pennsylvania, Ohio, and New York, and as a *common carrier* in all the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13016. Authority sought for control by DELTA CALIFORNIA INDUSTRIES, and thereafter merge with DELTA LINES, INC., a wholly-owned subsidiary of DELTA CALIFORNIA INDUSTRIES, 46th Floor Transamerica Building, 600 Montgomery Street, San Francisco, CA 94111, of the operating rights and property of I-5 FREIGHT-LINE, INC., 4285 Northwest Yeon, Portland, OR 97210, and for acquisition by THOMAS R. DWYER, 600 Montgomery St., San Francisco, CA 94111, Peter G. Dwyer and Frances H. Dwyer, both of P.O. Box 81, Grimes, CA 95950, of control of such rights and properties through the transaction. Applicants' attorney: Russell R. Sage, Suite 400, Overlook Building, 6121 Lincoln Rd., Alexandria, VA 22312. Operating rights sought to be controlled and merged: *General commodities*, with exceptions as a *common carrier* over regular routes (1) between Portland, Ore., and Medford, Ore., serving all intermediate points and all off-route points within 10 miles of the described highways: from Portland over interstate Highway 5 to Medford, and return over the same route. From Portland over Oregon Highway 99W to Junction City, Ore., and thence over Oregon Highway 99 to Medford, and return over the same route. (2) Between Portland, Ore., and Junction City, Ore., serving all intermediate points and all off-route points within 10 miles of the described highways: from Portland over Oregon Highway 99E to Junction City, and return over the same route. (3) Between Corvallis, Ore., and Foster, Ore., serving all intermediate points and all off-route points within 10 miles of the described highways: from Corvallis over U.S. Highway 20 to Foster, and return over the same route. (4) Between Corvallis, Ore., and Lebanon, Ore., serving all intermediate points and all off-route points within 10 miles of the described highways: from Corvallis over Oregon Highway 34 to Lebanon, and return over the same route, with restrictions: *General commodities*, with exceptions as a *common carrier* over irregular routes between points in Douglas, Jackson, and Josephine Counties, Ore. *General commodities*, with exceptions as a *common carrier* over regular routes between Medford, Ore., and Ashland, Ore., serving all intermediate points, and off-route points within 3 miles of Medford and Ashland; from Medford over U.S. Highway 99 to Ashland, and return over the same route. DELTA CALIFORNIA INDUSTRIES, holds no authority from this Commission. However DELTA LINES, INC. is a wholly owned subsidiary of DELTA CALIFORNIA INDUSTRIES, and it is authorized to operate as a *common carrier* in Arizona, California, Nevada, and Oregon. Appli-

cation has not been filed for temporary authority under section 210a(b).

Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606, represented by Mr. Foster A. Mattson, Attorney, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606, hereby give notice that on the 26th day of October, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the trackage rights of the Chicago and North Western Transportation Company (CNW) over tracks of the Soo Line Railroad Company between Wisconsin Rapids and Nekoosa, Wisconsin, all in Wood County, Wisconsin, a distance of approximately 2.49 miles, beginning at Milepost 25.95 and extending to Milepost 26.59, commencing again at Milepost 29.60 and extending to Milepost 30.49, and commencing again at Milepost 31.55 and extending to Milepost 32.51. CNW and Soo Line currently maintain parallel tracks between Wisconsin Rapids and Nekoosa, Wisconsin. CNW alleges that no shippers or receivers will be adversely affected. The trackage rights to be operated lie between Wisconsin Rapids and Port Edwards and Port Edwards and Nekoosa. This application has been assigned Finance Docket No. 28323.

The proposed trackage rights and track connections will allow for elimination of 2.49 miles of duplicating North Western track. North Western will continue to serve all industries located along the joint trackage.

In the opinion of the applicant, the Commission's action requested in the foregoing application will not have any significant adverse impact upon and will not significantly affect the quality of the human environment. Rather, coordination and consolidation of rail operations from two tracks to one will provide greater utilization of the Soo Line track. Property will thus become free for industrial expansion and recreational purposes.

The Interstate Commerce Commission will rule upon this application without hearings unless protests are received which contain information indicating a need for such hearings. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protest may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, *supra*, at page 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without pub-

lic hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the Federal Register; that such comments shall be served upon (a) Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Docket Clerk, Secretary of Transportation, within 90 days after the publication of notice of the application in the Federal Register.

CHICAGO AND NORTH WESTERN
TRANSPORTATION COMPANY

Southern Mississippi Transportation Company, Wilmington, Delaware 19898, represented by Mr. William R. Rubbert, Acting Transportation Counsel, Southern Mississippi Transportation Company, 1007 Market Street, Wilmington, Delaware 19898, hereby give notice that on the 26th day of October, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the construction and operation of a line of railroad located wholly and solely within the County of Harrison, in the State of Mississippi, a distance of 16 miles, which application is assigned Finance Docket No. 28324.

Applicant proposes to construct a new line of railroad (and restrict operations to and via said new line except as necessary to operate over line of Illinois Central Gulf at interchange points).

Applicant's proposed main line route is primarily east-west, having a western terminus at or in the vicinity of De Lisle (at a point approximately 4500 feet south of Interstate Highway 10) extending eastward, crossing the Wolf River (at a point approximately 5000 feet south of Interstate Highway 10), thence continuing eastward to a point of connection with the Illinois Central Gulf Railroad (at a point approximately 1300 feet south of Interstate Highway 10).

Applicant proposes to initially construct and operate a total of about 16 miles of track, consisting of about 14 miles of main line, and 2 miles of run-around and siding track.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in

Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, *supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

SOUTHERN MISSISSIPPI TRANSPORTATION
COMPANY

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 105457 (Sub-No. 87) filed October 15, 1976. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, N.C. 28206. Applicant's representative: Roland Rice, 501 Perpetual Bldg., 1111 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), be-

NOTICES

[Docket No. AB-46 (Sub-No. 3).]

CHICAGO, ROCKLAND AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN FAIRBURY AND RUSKIN IN JEFFERSON, THAYER, AND NUCKOLLS COUNTIES, NEBRASKA

FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by orders entered on July 12, 1976, and September 24, 1976, respectively, a finding, which is administratively final was made by the Commission, Division 3, and the entire Commission, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Chicago, Rock Island and Pacific Railroad Company extending from railroad milepost 155.71 near Fairbury in a westerly direction to the end of the line in Ruskin, a distance of 39.39 miles in Jefferson, Thayer, and Nuckolls Counties, Nebraska. A certificate of abandonment will be issued to the Chicago, Rock Island and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued

rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13091. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-114]

CLARENDON AND PITTSFORD RAILROAD COMPANY ABANDONMENT BETWEEN FLORENCE AND CENTER RUTLAND IN RUTLAND COUNTY, VERMONT

FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on September 23, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Clarendon and Pittsford Railroad Company extending from railroad milepost (chaining station) N222+89 near Florence, Vermont, to railroad milepost (chaining station) N289+87 near Hollister, Vermont, a distance of 1.27 miles; and from railroad milepost (chaining station) N+00 in Proctor, Vermont, to railroad milepost (chaining station) N150+00 near Florence, Vermont, a distance of 2.84 miles; and from railroad milepost (chaining station) PO+00 near Proctor, Vermont, to railroad milepost (chaining station) P24+14 in Proctor, Vermont, a distance of .46 mile; and from railroad milepost (chaining station) SO+00 in Proctor, Vermont, to railroad milepost (chaining station) S250+000 in Center Rutland, Vermont, a distance of 4.73 miles, a total distance of 9.3 miles. A certificate of abandonment will be issued to the Clarendon and Pittsford Railroad Company based on the above-describing finding of abandonment 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such

tween Morganton, Brookford, Rhodhiss, Newton, Boone, Conover, Charlotte, N.C. and points in North Carolina (1) extending along U.S. Highway 221 from Boone to Blowing Rock, N.C., thence over U.S. Highway 321 to Hickory, N.C., and thence over U.S. Highway 70 to Conover, N.C.; and (2) extending along North Carolina Highway 16 between the junction of North Carolina Highways 16 and 150 and Charlotte, N.C., including said junction, on the one hand, and, on the other, points in Massachusetts, Rhode Island and Connecticut. The purpose of this filing is to eliminate the gateways at points in New York and New Jersey; and (2) Applicant also seeks to tack the authorities in MC 17006 and MC 61484 (Sub-No. 12) without eliminating the gateways thereby providing a through service utilizing the gateway points.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12530 published in the FEDERAL REGISTER issue of May 29, 1975. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 120648 (Sub-No. 4), filed October 24, 1976. Applicant: SUTHERLAND TRANSPORTATION CORPORATION, 100 Allwood Avenue, Central Islip, N.Y. 11722. Applicant's representative: Gerard V. Muldoon (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other Newark and Elizabeth, N.J.

NOTE.—Applicant seeks to eliminate the gateway of New York, N.Y. This matter is directly related to a section 5(2) finance proceeding MC-F-12930, published in the FEDERAL REGISTER issue of September 2, 1976. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

ABANDONMENT APPLICATIONS

FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the No-

tice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-33954 Filed 11-17-76;8:45 am]

[Amendment No. 1 to I.C.C. Order No. 5;
S.O. No. 1252]

REROUTING TRAFFIC

Upon further consideration of I.C.C. Order No. 5 (Western Maryland Railway Company), and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 5 be, and it is hereby, amended by substi-

tuting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date*. This order shall expire at 11:59 p.m., May 15, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 15, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 8, 1976.

INTERSTATE COMMERCE COM-
MISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-34074 Filed 11-17-76;8:45 am]

federal register

THURSDAY, NOVEMBER 18, 1976



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Office of Assistant Secretary
for Housing—Federal Housing
Commissioner**

■
**TRADITIONAL PUBLIC
HOUSING PROGRAM**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 841]

[Docket No. R-76-426]

TRADITIONAL PUBLIC HOUSING PROGRAM

Notice of Proposed Rulemaking

Notice is hereby given that the Department of Housing and Urban Development (HUD) proposes to amend 24 CFR, Chapter VIII by adding a new Part 841, Traditional Public Housing Program. The U.S. Housing Act of 1937 (Act), as amended, authorizes HUD to provide financial and technical assistance for the development and operation of low-income housing projects and provides that not less than a specified amount of such assistance be made available to assist in financing low-income housing projects for ownership (other than under Section 8 of the Act) by Public Housing Agencies (PHAs). Title 24, Part 275, except for § 275.8, will be cancelled upon publication of this Part as a final rule, and the Appendix on prototype cost in Part 275 will be transferred to this part. Subpart A sets forth the general requirements and the basic policies for the development of projects by a PHA. Subparts B and C set forth the procedures for construction of a project. Subpart D sets forth the procedures for acquisition of an existing project (properties that do not require rehabilitation) or acquisition of a project requiring substantial rehabilitation and the procedures for accomplishing necessary rehabilitation work.

The following is a brief summary of significant features of the proposed rule:

1. The regulations applicable to other types of projects, including modernization, Indian Housing and Section 8 projects are contained in other parts of this chapter.

2. It is intended that projects under these regulations provide primarily scattered site or otherwise low-density housing for families, including large families with children, since the housing needs of such families are not adequately served by other housing programs. Accordingly, § 841.103 requires that public housing assistance shall be used to meet the needs of household types in the jurisdiction of the PHA whose needs are not being met proportionately to their share of total housing needs in the jurisdiction of the PHA, as shown by the approved Housing Assistance Plan (HAP) or HAPs applicable to the jurisdiction, or, in the absence of such HAPs, as determined by HUD.

3. Section 841.108, titled Site Selection, indicates that project sites are subject to Project Selection Criteria. The Department expects to publish in the near future proposed rulemaking that would establish new site and neighborhood standards for a number of housing assistance programs, including the traditional public housing program.

4. Section 841.109 requires that the design of the project must as a minimum comply with HUD Minimum Property Standards or HUD Minimum Design Standards for Rehabilitation for Residential Properties, as applicable. In addition, consistently with Section 6(b) of the Act, projects shall include the specified standards designed to reduce operation and maintenance costs and to promote the well-being of tenants.

5. Sections 841.111 through 841.113 set forth the process for notification by the Field Office of the amount of funds available and for submission, review and approval of an Application. An applicant must demonstrate that it meets the definition of a PHA under the Act and has the required legal authority to perform all the functions of a PHA under this Part. As a prerequisite to Application approval, the Field Office must determine, among other things, that the PHA has adequate administrative capability to operate the project.

6. For new construction projects, the dwelling construction and equipment cost may not exceed 110 percent of prototype costs. For acquisition projects, the prototype cost limitation is not applicable; however, § 841.117(b) (2) provides that for acquisition projects the Total Development Cost shall not exceed 90 percent (or appropriately lower percentage if the acquired project has less than a 40 year useful life) of the imputed development cost of a comparable hypothetical newly constructed low-income housing project unless a higher amount is necessary to meet a locally established plan for neighborhood preservation and revitalization of existing housing and is specifically approved by the Assistant Secretary for Housing.

7. Section 841.117(c) states the Financial Feasibility Test which must be met prior to approval of a Development Program. In addition, § 841.113(a) (2) requires that the Field Office determine that it "is likely" that the test can be met prior to approval of an application. The PHA must demonstrate that for the first five years of operation the project's estimated average annual operating expense does not exceed the estimated annual operating income without use of operating subsidy, based on a 95 percent occupancy by a tenant body selected in accordance with specified criteria based on the provisions of section 6(c) (4) (A) of the Act. At no time shall an operating subsidy be paid, which, together with the debt service annual contribution, would exceed the Fair Market Rents for an equivalent number of similar housing units less the aggregate rents paid by the project tenants. The special requirements for projects developed under this part will be reflected in 24 CFR Part 890, Annual Contributions for Operating Subsidy.

8. Section 841.117(d) provides that HUD may require the PHA to obtain development loan funds from sources, other than HUD, secured by a pledge of HUD's agreement under the ACC to advance monies to the PHA or to make annual

contributions payments. Generally, projects will be permanently financed by the sale of PHA bonds which are tax exempt under section 11(b) of the Act. This is the method of financing which has traditionally been used for public housing projects under the Act.

9. Because past experience has demonstrated that the turnkey method is substantially more efficient, § 841.301 requires a PHA to use that method rather than the conventional competitive bid method for new construction projects, unless the PHA can demonstrate in support of its application that the conventional method would offer specific advantages over the turnkey method.

10. Section 841.406 permits a PHA, subject to Field Office approval and for acquisition projects under Subpart D only, to develop a list of prequalified contractors or developers and to solicit bids or proposals only from those on this list.

11. The Department promulgated an interim rule for the PHA Acquisition of HUD-Owned Properties and Properties with HUD-Insured and HUD-Held Mortgages (24 CFR Part 845, published in 41 FR 23292, June 9, 1976). Since the scope of this proposed rule will include the acquisition and rehabilitation of properties provided for under Part 845, it is intended to cancel Part 845 upon publication of Part 841 as a final rule. All comments received with respect to Part 845 will be considered in preparing the final Part 841.

12. Section 841.117(c) provides that a PHA may establish requirements or preferences for those living in the jurisdiction of the PHA at the time of application provided that no such tenant selection requirement or preference may be based upon the identity or location of the housing which is occupied or proposed to be occupied by the applicant nor upon the length of time the applicant has resided in the jurisdiction and provided that applicants who are working or who have been notified that they are hired to work in the jurisdiction shall be treated as residents of the jurisdiction. It is intended that this provision will be made applicable to all public housing projects, and the interim rule on admissions (24 CFR Part 860, Subpart B) when it is finalized will contain such a provision.

Interested parties are invited to submit written comments and suggestions regarding the proposed rule by December 20, 1976, addressed to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Comments should refer to docket number and date. All material submitted will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a Finding of Inapplicability of Inflation

impact statement requirements has been made in accordance with HUD procedures. The Findings of Inapplicability are available for inspection with the Rules Docket Clerk at the above address.

PART 841—TRADITIONAL PUBLIC HOUSING PROGRAM

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Appendix A—Prototype Cost Limits for Low-Income Housing.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b), U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)).

Subpart A—General Requirements

§ 841.101 Applicability and scope.

(a) *Applicability.* The U.S. Housing Act of 1937 (Act), as amended, authorizes the U.S. Department of Housing and Urban Development (HUD) to provide financial and technical assistance to public housing agencies for the development and operation of low income housing projects. This Part states the regulations under which such projects are to be developed by a Public Housing Agency (PHA) with financial assistance pursuant to Sections 4 and 5 of the Act under an Annual Contributions Contract (ACC). The regulations applicable to

other types of projects, including modernization, Indian Housing and Section 8 projects, are contained in other parts of this chapter.

(b) *Scope.* Subpart A of this part sets forth the general requirements and the basic policies for the development of projects by a PHA. Subparts B and C of this part set forth the procedures for the construction of a project. Subpart D of this part sets forth the procedures for acquisition of an existing project (properties that do not require rehabilitation) or acquisition of a project requiring substantial rehabilitation and the procedures for accomplishing necessary rehabilitation work. For information on income limits for admission to and occupancy of projects and rental requirements under this part, refer to 24 CFR Part 860, and on the payment of operating subsidy, refer to 24 CFR Part 890 (see Section 841.117(c)).

§ 841.102 Definitions.

(a) *Act.* The U.S. Housing Act of 1937 (42 U.S.C. 1437).

(b) *Annual Contributions Contract (ACC).* A contract (on a form prescribed by HUD) for loans and annual contributions, execution of which creates legal obligations between HUD and a PHA, under which HUD finances the development and provides financial assistance for operation of a project under the Act and the PHA agrees to comply with HUD requirements for the development and/or operation of the project. The amount of the maximum annual contribution is the amount charged against contract authority and this amount multiplied by the number of annual contributions over the term of the ACC is the amount charged against budget authority.

(c) *Cooperation agreement.* An agreement between a PHA and local governing body assuring tax exemption and certain local governmental cooperation and services in respect to the development and operation of a low-income housing project under the Act and providing for payments in lieu of taxes.

(d) *Housing Assistance Plan (HAP).* (1) A HAP meeting the requirements of § 570.303(c) of the Community Development Block Grant (CDBG) regulations (24 CFR Part 570), which is submitted by local government as part of the block grant application, and is approved by the Field Office Director.

(2) A HAP, meeting the requirements of § 570.303(c), submitted by a local government not participating in the CDBG Program and approved by the Field Office Director.

(e) *HCD Act.* The Housing and Community Development Act of 1974 (42 U.S.C. 5301).

(f) *HUD.* The Department of Housing and Urban Development, including the Regional Office and the Area or Insuring Office (herein called Field Office) which has been delegated authority under the Act to perform functions pertaining to this part.

(g) *Preliminary loan contract.* A contract between HUD and the PHA under which HUD loans funds to the PHA, up

to a stated limit, to pay the costs of preliminary surveys and planning of a project.

(h) *Program reservation.* A written notification by HUD to the PHA, which is not a legal obligation, expressing HUD's determination, subject to fulfillment by the PHA of all legal and administrative requirements within a stated time, to enter into a new or amended Preliminary Loan Contract or ACC covering the stated number of housing units, or such lesser number as is consistent with the authority of HUD to enter into such contracts: *Provided*, That funds are available for this purpose.

(i) *Project.* An entire undertaking to provide housing under the Act including all real or personal property, funds and reserves, rights, interests and obligations, and related activities.

(j) *Public Housing Agency (PHA).* Any state, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing projects and is determined by HUD to be eligible to undertake projects under this Part. Other regulations which govern the administration of projects by a PHA are set forth in 24 CFR Chapter VIII, as amended from time to time.

§ 841.103 Types of projects.

(a) *Determination of type of project.* Assistance under this Part shall be used to meet the needs of household types in the jurisdiction of the PHA whose needs are not being met proportionately to their share of total housing needs in the jurisdiction of the PHA, as shown by the approved HAP or HAPs applicable to the jurisdiction, or in the absence of such HAPs, as determined by HUD. In determining the extent to which the needs of any household type are being met, units proposed or not yet completed shall be counted only if there is a commitment or reservation of funds or contract authority for the provision of federal or other assistance.

(b) *Low-density housing for families with children.* Projects approved under this part for families with children, including large families (families requiring three or more bedrooms) shall to the maximum extent practicable consist of scattered site or otherwise low-density housing.

(c) *Restriction on use of high-rise elevator structures.* High-rise elevator structures shall not be provided for families with children regardless of density unless the Field Office makes a determination that there is no practical alternative. High-rise buildings for elderly shall not be used unless a determination is made by the Field Office that such construction is appropriate taking into consideration land costs, safety and security factors.

§ 841.104 Civil rights and equal opportunity.

(a) *Title VI and Title VIII and Executive Order 11063.* Title VI of the Civil

Rights Act of 1964 (42 U.S.C. 2000d) and Executive Order 11063, which prohibit discrimination on the basis of race, color, creed or national origin in federally-assisted programs, and Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601), which prohibits discrimination based on race, color, religion, sex or national origin in the sale or rental of housing, apply to PHAs under this part.

(b) *Vocational rehabilitation.* Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination in federally-assisted programs against any otherwise qualified individual solely by reason of a handicap, as defined by the Secretary of Health, Education and Welfare, applies to PHAs under this part.

(c) *Executive Order 11246.* Contracts for construction work in connection with Projects under this part are subject to Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), and applicable implementing regulations (24 CFR, Part 130; 41 CFR, Chapter 60), rules, and orders of HUD and the Office of Federal Contract Compliance Programs of the Department of Labor. Executive Order 11246 prohibits discrimination and requires affirmative action to ensure that employees or applicants for employment are treated without regard to their race, color, religion, sex or national origin.

(d) *Section 3 of the HUD Act of 1968.* The Projects under this part are subject to Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u), which requires that, to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with a project be awarded to business concerns which are located in or owned in substantial part by persons residing in the project area.

(e) *PHA's employment practices.* In connection with the development or operation of any project, the PHA shall not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The PHA shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, religion, sex or national origin. The PHA shall comply with all HUD requirements against discrimination with respect to employment by the PHA or contractors of the PHA. The PHA shall adopt and promulgate regulations with respect to the PHA's employment practices which shall be in compliance with this paragraph. A copy of these regulations shall be posted in the PHA office and a copy shall be submitted to HUD promptly after adoption by the PHA.

§ 841.105 Economy and efficiency.

Each project shall be developed in such a manner that it will not be of elaborate or extravagant design or materials, and

shall be developed and administered to promote servicability, efficiency, economy and stability and to achieve the economic and social well-being and advancement of the tenants.

§ 841.106 Prevailing wage rates.

Not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276) shall be paid to all laborers and mechanics employed in the development of the project. Not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable state or local law) by HUD, shall be paid to all architects, technical engineers, draftsmen and technicians employed in the development of the project.

§ 841.107 Relocation and acquisition.

Projects shall be developed in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) (42 U.S.C. 4601) and HUD policies and requirements thereunder (24 CFR Part 42). Development Cost may include the cost of compliance with the Uniform Act as well as the actual reasonable moving expenses of a family which is temporarily moved from a project site during construction and is returned to the site after completion.

§ 841.108 Site selection.

Project sites shall be subject to the Project Selection Criteria (24 CFR Part 200, Subpart N). The physical characteristics and cost of the site, the availability of utilities and of access roads to the site shall facilitate economical construction and operation of the project.

§ 841.109 Property standards.

As a minimum, projects shall be developed in compliance with HUD Minimum Property Standards (24 CFR Part 200, Subpart S), or HUD Minimum Design Standards for Rehabilitation for Residential Properties, as applicable, and applicable state and local laws, codes, ordinances and regulations. In addition and subject to § 841.105, the design of a project shall also include the extra durability and special features required for safety and security and economical maintenance, the provision of amenities designed to guarantee a safe and healthy family life and neighborhood environment, the application of good design as an essential component for safety and security as well as other purposes, the maintenance of quality in architecture to reflect the standards of the neighborhood and community, and the need for maximizing the conservation of energy for heating, lighting and other purposes. Where such housing is justified by the PHA and approved by the Field Office, projects for the elderly or handicapped shall comply with Section 209 of the HCD Act and projects for congregate or single room occupant housing shall comply with the appropriate HUD guidelines and standards.

§ 841.110 Contracts.

(a) *Timing.* The ACC for a project shall not be executed until the PHA has adopted and HUD has approved the Development Program (§ 841.117). The PHA shall not enter into any Construction Contract, Preliminary Contract of Sale, Contract of Sale, contracts for rehabilitation work or contracts to acquire a property until after execution of the ACC.

(b) *Contracts Requiring HUD Approval.* The PHA shall not, without the prior written approval of HUD, enter into, execute or approve any agreement or contract for (1) personal, management, legal or other services with any person or firm where the initial period or term of the agreement or contract (including any renewal) is in excess of three years, or (2) where the amount of the agreement or contract is in excess of the amount included for such purpose in the HUD-approved development cost budget or operating budget or an amount specified from time to time by HUD, as the case may be, or (3) where the agreement or contract is for legal or other services in connection with litigation.

§ 841.111 Notification of Housing Assistance Availability.

In the context of the constraints on available housing assistance funds, including those due to 24 CFR Part 891 (Review of Applications for Housing Assistance; Allocation of Housing Assistance Funds), the Field Office shall determine the geographic areas in which the housing is to be located, the extent to which assistance is to be made available for new construction, acquisition with substantial rehabilitation or acquisition of existing housing and the sizes and types of housing. As promptly as possible, the Field Office shall notify the appropriate PHAs of the availability of the housing assistance for which they may apply. The Notification shall include information reflecting the Field Office's determinations and shall state the deadline date for submission of an Application. To the extent feasible, a copy of the Notification should be sent to the Chief Executive Officers of local governments in the applicable geographic area, representatives of the media and organizations interested in housing and urban development. Appropriate instructions, forms and other program information necessary to prepare an Application shall be sent by the Field Office to each PHA.

§ 841.112 Application Submission.

(a) *Eligibility.* To be eligible to participate under this part, an entity shall demonstrate that it meets the definition of a PHA and has the required legal authority to perform all the functions of a PHA under this part. Generally, the entity will have been created pursuant to a state housing authorities law. In such cases, a reference in the Application to ACCs previously entered into will be sufficient to establish the identity of the entity and establish prima facie eligi-

bility. Where the eligibility of such an entity has not been previously approved by HUD, the Field Office shall advise the entity of the documents that must be submitted to establish eligibility. Where the entity was not created pursuant to a state housing authorities law, the evidence that the entity has the required legal authority shall be submitted to the Field Office for review and approval. This evidence shall include citations to and copies of state or local law, the charter or other organizational papers establishing the entity (where the entity is an agency or instrumentality, the documentation required by § 811.104 (a) and (b) of this chapter shall be included) and an opinion from counsel that the entity has all the legal authority required to develop and operate a low-income project under this part.

(b) *Application.* To apply for a Program Reservation, a PHA shall submit an Application on the form prescribed by HUD, identifying number and types of units, site or location insofar as it has been determined and relationship to HAPs and site requirements, whether new construction, acquisition with substantial rehabilitation or acquisition of existing housing is proposed, the proposed production method which in the case of new construction shall be the turnkey method unless adequate justification is furnished, a showing that the household types for whose needs the project will be developed will be in accordance with § 841.103(a), and a statement that the project will be developed in accordance with § 841.103 with any justification required thereunder. If the Application identifies a site or sites, the Chief Executive Officer of the unit of general local government in which the proposed housing is to be located should have been requested by the PHA to provide a letter stating his finding as to consistency with the locality's approved HAP, or in the absence of a HAP as to whether there is or will be available in the area public facilities and services adequate to serve the proposed project. Where such letter has been provided, it shall be attached to the PHA's Application. The Application shall also be accompanied by a resolution of the local governing body authorizing execution of a Cooperation Agreement. If a Cooperation Agreement already exists for the location sufficient to cover the number of units in the Application, a statement to this effect may be included in the Application.

(c) *Preliminary Loan.* The Application for a Program Reservation may include an application for a preliminary loan, which must be accompanied by a resolution of the local governing body approving the application for a preliminary loan. Such an application shall state the amount requested and explain the purpose for which these funds are to be used (§ 841.115).

§ 841.113 Field Office Review and Approval of Applications.

(a) *Prerequisites to Application Approval.* The Field Office shall begin processing of complete Applications promptly

after receipt. Each Application will be evaluated on the basis of all pertinent factors under this part. In addition to meeting the requirements of § 841.112, an Application shall not be approved unless the Field Office determines that:

(1) The PHA's Application meets the requirements of § 841.103.

(2) It is likely that the financial feasibility requirements for approval of the Development Program under § 841.117(c) can be met.

(3) The PHA has the capability to provide adequate administration of the development and operation of the project and other HUD-assisted projects of the PHA in compliance with all applicable HUD requirements with initial HUD assistance and thereafter only occasional need for HUD assistance. Approval of an Application shall not be withheld because of minor administrative deficiencies. As a minimum, the PHA shall have the capability to comply with all HUD requirements for prompt completion of development, the maintenance of complete and accurate books of accounts and records, the proper handling of funds, the timely preparation and submission of reports, the maintenance of the property, the occupancy of the housing units, determination of and prompt collection of rents and the prompt processing of evictions in case of nonpayment or other serious breach of a lease.

(b) *Designated Site.* If specific sites are designated for the proposed project in the Application, the Field Office shall determine whether to approve the Application, subject to subsequent tentative site approval after receipt of the Preliminary Site Report and compliance with Section 213 and A-95, or withhold decision until after completion of those steps. In either event, the Field Office shall promptly initiate the necessary action to obtain compliance with Section 213 and A-95:

(1) For purposes of compliance with Section 213 of the HCD Act, HUD's Regulations, Review of Applications for Housing Assistance; Allocation of Housing Assistance Funds (24 CFR Part 891; published in 41 FR 35660, August 23, 1976) shall be followed.

(2) For A-95 clearance, HUD's Interim Regulations, Implementation of OMB Circular A-95 (24 CFR Part 52; published in FR 41874, September 23, 1976) shall be followed.

(c) *Notification of deficiencies.* If the evaluation discloses deficiencies that can be corrected, the Field Office shall notify the PHA in writing of the deficiencies and give the PHA a reasonable opportunity to correct the deficiencies.

(d) *Notification of approval.* The Field Office shall issue a Program Reservation to the PHA whose Application is approved, specifying new construction, acquisition with substantial rehabilitation or acquisition of existing housing, the production method and the location. If the Application is approved for fewer units than requested, the Program Reservation shall be accompanied by a statement of the reasons for not approving

the number of units requested. The Program Reservation shall set a time limit of one year within which the PHA must submit an approvable Development Program. The Field Office shall cancel the Program Reservation if the time limit is exceeded unless the Field Office determines, for good cause, to extend the time limit.

(e) *Notification of Disapproval.* Any PHA whose Application was not approved by the Field Office shall be sent a letter notifying the PHA of the determination and of the reasons therefor.

(f) *Deficiency or Excess of Available Housing Assistance.* (1) Where approved Applications are or become insufficient to utilize fully the available contract authority and budget authority, the Field Office may give further consideration to other Applications, affording PHAs an opportunity to remedy any deficiencies or may solicit an Application from other appropriate PHAs for localities to which the housing assistance may be reallocated.

(2) If the available contract authority and budget authority are not sufficient for all the approvable Applications, the Field Office shall approve the Applications which have the best combination of administrative capability, consistency with HAPs and § 841.103, prior experience of the PHA, comments, if any, received from the appropriate A-95 Clearinghouse and the unit of general local government and other factors under this part.

§ 841.114 Time Schedule.

Promptly after issuance of a Program Reservation, the PHA shall prepare and submit to the Field Office for approval a time schedule, consistent with the deadline stated in the Program Reservation, of all actions to be taken during planning and construction of the project.

§ 841.115 Preliminary Loan.

(a) *Amount.* If a Program Reservation is issued, the Field Office may approve a preliminary loan to pay the cost of preliminary surveys and planning (including the cost of appraisals) necessary to prepare a Development Program. The maximum amount of the preliminary loan shall be \$500 per unit (\$1,000 per unit in Alaska); however, where the turnkey method is used, the amount approved should be substantially less. The Field Office shall review the PHA's explanation set forth in its Application of the need for these funds and shall approve a preliminary loan in the amount which the Field Office determines is a reasonable expenditure for the accomplishment of tasks that are clearly necessary to prepare the Development Program. Where the maximum amount of the preliminary loan is insufficient, the Field Office may request authorization from the Assistant Secretary for Housing-Federal Housing Commissioner to provide additional preliminary loan funds. Any such request shall be supported by full justification for the proposed expenditures.

(b) *Preliminary Loan Contract.* Where a preliminary loan is approved, the PHA and HUD shall execute a Preliminary Loan Contract and related documents in the form prescribed by HUD. Promptly after execution of the Preliminary Loan Contract, the PHA shall request Field Office approval for obtaining legal and architectural services where such services are necessary in connection with the project.

(c) *Repayment of Preliminary Loans.* The amount of preliminary loan funds advanced by HUD to the PHA are included in the development cost of a project and covered by the development loan funds under the ACC. In the event the project fails to reach ACC, the total amount of preliminary loan funds advanced to the PHA shall be repaid to HUD by the PHA from any funds or assets available for this purpose.

§ 841.116 Site approval.

(a) *Tentative Site Approval.* Each site shall comply with the criteria set forth in § 841.108. The PHA shall request tentative Field Office approval for each site by submitting a Preliminary Site Report on a form prescribed by HUD. The PHA may submit the Preliminary Site Report with the Application. Unless A-95 and Section 213 compliance was completed at the time of the Application, the Field Office shall obtain compliance by forwarding copies of the Preliminary Site Report in accordance with § 841.113(b) and Tentative Site Approval shall not be given until the response periods for A-95 and Section 213 have ended. Tentative site approval shall not be given unless HUD's environmental requirements have been met. The Field Office shall notify the PHA as soon as possible of tentative site approval or disapproval of the proposed sites or portions thereof. The notification shall specifically state any conditions to be met for final site approval. A notification of disapproval shall state the reasons for disapproval.

(b) *Final Site Approval.* To obtain final site approval, the PHA shall submit documentation that conditions, if any, of tentative site approval have been met, request a HUD appraisal and submit title information, site surveys and evidence of site control which are satisfactory to the Field Office. For acquisition projects under Subpart D of this part, the appraisal shall be of the "as is" value of the property. The Field Office shall not give final site approval or approve a Development Program until all of these requirements have been satisfied. Final site approval shall not constitute authorization to acquire a site or property.

(c) *Site Acquisition.* The PHA shall not acquire a site or make a commitment for acquisition until after execution of the ACC. Ownership of the site by the PHA or developer as required by the production method used shall be accomplished prior to execution of the Construction Contract or Contract of Sale.

§ 841.117 Development Program.

(a) *Description.* A Development Program is a statement of the basic elements of a project, which is prepared by the PHA on a form and attachments prescribed by HUD and includes: (1) Cooperation Agreement, (2) Site documentation required by § 841.116(b), (3) Preliminary Plans and Specifications (or Work Write-ups for acquisition projects under Subpart D of this part), (4) Estimate of Total Development Cost, (5) Demonstration of Financial Feasibility and (6) Updating of Administrative Capability of the PHA. The Development Program shall be adopted by the PHA and submitted to the Field Office for approval.

(b) *Development Cost.* (1) The Total Development Cost is the sum of all HUD-approved costs for planning, site acquisition, administration, relocation, demolition, construction and equipment and their necessary financing (including interest and other carrying charges, if any) and in otherwise carrying out the development of the project. Development cost may include on-site streets and driveways, on-site utilities, non-dwelling facilities, a contingency allowance and insurance premiums for the first three years.

(2) For new construction projects, dwelling construction and equipment cost shall not exceed 110 percent of the appropriate prototype cost for the area published by HUD (Appendix A). The PHA may request a revision of the published prototype costs at the time of its Application or subsequently when the PHA believes that revision is necessary to permit development of the project. For acquisition projects under Subpart D of this part, the Total Development Cost shall not exceed 90 percent (or appropriately lower percentage if the acquired project has less than a 40-year useful life) of the imputed development cost of a comparable hypothetical newly constructed low-income housing project unless the PHA demonstrates that a higher amount is necessary for the acquisition and rehabilitation of properties in accordance with a locally established plan for neighborhood preservation and revitalization and such higher amount is approved by the Assistant Secretary for Housing.

(3) Where the PHA would be required to bear a part or all of the cost of off-site facilities if it were a private developer, the cost of such facilities may be included in the Total Development Cost: *Provided*, That the Field Office determines that the off-site facilities are a necessary appurtenance to the project and the amount included is limited to the lower of (i) the HUD approved estimate of the cost of such facilities or (ii) the enhancement in value of the project site attributable to such facilities. Where the cost of off-site facilities is required to be borne by the local government without cost to the project, whether because of normal practice or by virtue of the Cooperation Agreement, the

cost of such facilities may not be included in Total Development Cost, but the Field Office may arrange for a HUD loan evidenced by an Off-Site Facilities Note: *Provided*, That the Field Office determines that the off-site facilities are a necessary appurtenance to the project and the amount is limited to the lower of (a) the HUD approved estimate of the cost of such facilities or (b) the enhancement in value of the project site attributable to such facilities: *And provided*, That the PHA submits legally enforceable commitments, acceptable to HUD, to repay the cost of such facilities from sources other than annual contributions or project income.

(c) *Financial feasibility test and operating subsidies.* (1) The Development Program shall be approved only if the Field Office determines that the project is financially feasible based on the PHA's demonstration for the first five years of operation, in the form prescribed by HUD, that the project's estimated operating expenses do not exceed the estimated operating income for the five-year period without the use of operating subsidy.

(2) The estimate of operating income shall be the projected income for the five year period without use of operating subsidy based upon 95 percent occupancy by a tenant body selected in accordance with regulations (based on 24 CFR Part 860) which are designed to:

(i) Avoid concentration of the most economically and socially deprived families in the project;

(ii) Preclude admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the tenants or the project environment;

(iii) Achieve a tenant body with a broad range of incomes and rent-paying ability which is generally representative of the range of incomes of low-income families in the PHA's area of operation as defined in state law; and

(iv) Achieve occupancy of at least 20 percent of the dwelling units by very low-income families.

Requirements or preferences for those living in the jurisdiction of the PHA at the time of application are permissible subject to the following: No requirement or preference may be based upon the identity or location of the housing which is occupied or proposed to be occupied by the applicant nor upon the length of time the applicant has resided in the jurisdiction; applicants who are working or who have been notified that they are hired to work in the jurisdiction shall be treated as residents of the jurisdiction.

(3) The PHA shall be committed to selection of tenants, achievement and maintenance of project occupancy and operation of the project in accordance with the foregoing principles and as indicated by its demonstration of financial feasibility submitted to HUD. No request for operating subsidy based upon an operating deficit with respect to the proj-

ect for any of the first five fiscal years shall be considered by HUD unless the PHA clearly shows to the satisfaction of HUD that such operating deficit was due to changes in circumstances which (i) could not reasonably have been foreseen at the time of the demonstration of financial feasibility, (ii) were beyond the control of the PHA to prevent or mitigate, and (iii) were reported to HUD promptly at the time of their occurrence.

(4) At no time shall an operating subsidy be paid which together with the debt service annual contribution would exceed the Fair Market Rents for an equivalent number of similar housing units less the aggregate rents paid by the project tenants.

(d) Annual Contributions Contract.

(1) The ACC shall be based on the HUD-approved Development Program. Following execution of an ACC, no modifications may be made in a Development Program except in accordance with procedures prescribed by HUD.

(2) Under the ACC, HUD will provide development loan funds or security for the PHA to obtain such funds from sources other than HUD. This shall include an amount to cover the preliminary loan, if any. HUD may at any time require the PHA to obtain development loan funds from sources other than HUD secured by a pledge of HUD's agreement under the ACC to advance monies to the PHA or to make annual contributions payments. Annual contributions payable by HUD for debt service shall in no case exceed a sum equal to the annual amount of principal and interest payable on obligations issued by the PHA to finance the development or acquisition cost of the project. In no case shall such annual contributions be in funds from sources other than HUD secured by a pledge of HUD's agreement under the ACC to advance monies to the PHA or to make annual contributions payments. Annual contributions payable by HUD for debt service shall in no case exceed a sum equal to the annual amount of principal and interest payable on obligations issued by the PHA to finance the development or acquisition cost of the project. In no case shall such annual contributions be in excess of the maximum sum specified in the ACC, nor shall the number of annual contributions be greater than the number authorized by the ACC, nor shall the annual contributions be paid over a period in excess of forty years. Where the Field Office has determined that an acquisition project under Subpart D of this part has less than a forty year useful life, the term of the ACC and the number of payments shall be appropriately reduced.

(3) In the event that a project does not reach the point where annual contributions are payable by HUD, the amount of development loan funds advanced to the PHA by HUD or other sources shall be repaid by the PHA from any funds or assets available for this purpose.

§ 341.118: Construction Requirements.

(a) *Economy.* The PHA shall complete development of the project at the lowest

possible cost and in no event at a cost in excess of the Total Development Cost approved by HUD.

(b) *Changes in Contracts.* The PHA shall not order or agree to any changes in or additions to the work required under the Construction Contract or Contract of Sale except as authorized by the provisions of these contracts or with prior HUD approval.

(c) *Construction Inspections.* (1) Inspections during construction shall be the responsibility of the PHA and shall be performed by an architect or other qualified person pursuant to the HUD prescribed requirements for the production method involved. The PHA shall forward copies of all inspection reports to the Field Office with comments on actions taken to remedy deficiencies.

(2) Field Office representatives shall make on-site inspections as required by HUD. A copy of each inspection report shall be sent to the PHA with recommendations of actions to be taken by the PHA.

(d) *Final Inspection and Acceptance of Project.* (1) The contractor or developer shall notify the PHA in writing as to the date when the contract work, or stages when applicable, including agreed to off-site work, will be completed and ready for final inspection. If the PHA determines that the state of the work is as represented, the PHA shall promptly notify the Field Office. The final inspection shall be made jointly by the representatives of the PHA, the Field Office and the contractor or developer.

(2) If the inspection discloses no deficiencies other than punch list items or items awaiting seasonal opportunity to complete, the PHA shall submit for Field Office approval an Interim Certificate of Completion, which shall detail the items, and a proposed time schedule agreed to by the contractor or developer and the PHA for completion of the items. Upon Field Office approval, the PHA may release the monies to the contractor or developer less the withholdings required by the contract.

(3) The contractor or developer shall complete the punch list items and items awaiting seasonal opportunity in accordance with the HUD-approved time schedule for completion of the items. The contractor or developer will be paid for such items only after inspection and acceptance by the PHA and the Field Office; the PHA and Field Office shall not accept any items if there is a dispute as to whether such items have been completed. If the PHA is satisfied that the applicable requirements of the contract have been met, the PHA shall submit to the Field Office a Final Certificate of Completion and upon receiving Field Office approval shall release to the contractor or developer the amounts withheld with respect to such items in accordance with the applicable provisions of the contract.

(4) If portions of a project constituting completed units are accepted in stages, whether completed by one or more contractors or developers, such groups of units may be treated as units for which development has been completed for all purposes of the ACC.

(e) *Warranties.* The Construction Contract or Contract of Sale shall specify the warranty period applicable to all items of construction, including items covered by manufacturer's and supplier's warranties, and shall provide for assignment to the PHA of all manufacturer's and supplier's warranties. The PHA shall inspect each dwelling unit not less often, than every three months during the contractor's or developer's warranty period or periods beginning three months after the date of the approved Interim Certificate of Completion, provided that there shall be a final inspection in time to exercise rights before expiration of these warranties. These inspections shall also cover all items under manufacturer's and supplier's warranties and, to the extent feasible, the PHA shall check the condition of items covered by these warranties so as not to lose any rights under them.

Subpart B—Turnkey Method—New Construction

§ 341.201 Description.

Under the Turnkey method, the PHA, following issuance of a Program Reservation, advertises for developers to submit proposals to provide a completed project, including site, as described in the PHA's Invitation for Proposals and the developer's packet. The PHA selects, subject to HUD approval, the best of the proposals received, taking into consideration site, price, design, the developer's experience and other evidence of ability to complete the project. After HUD approval of the proposal selected by the PHA, the working drawings and specifications are agreed to by the developer, the PHA and HUD, and the developer and the PHA enter into a Contract of Sale. The developer is fully responsible for all development and construction, including the provision of necessary financing. Upon completion of the project in accordance with the Contract of Sale, the PHA purchases the project from the developer.

§ 341.202 Invitation for proposals.

(a) *Preparation and Distribution.* The PHA shall prepare and submit to the Field Office the Invitation for Proposals and the developer's packet containing full project information and detailed minimum submission requirements which shall be in full compliance with the provisions of this part and as approved by HUD. Upon approval by the Field Office, the PHA shall publish the Invitation at least weekly for two consecutive weeks in a local newspaper of general circulation and shall also distribute, to the extent feasible, copies of the Invitation to the media, trade associations, local minority organizations and developers and builders. The PHA shall furnish a copy of the developer's packet to all parties indicating interest in responding to the Invitation. The Invitation shall specify a deadline by which proposals must be received by the PHA and a date, time and place for opening of proposals.

(b) *Preselected Sites.* The PHA may, if approved by the Field Office, preselect

a site. The PHA's request to preselect a site shall identify the site and shall include a justification stating the reasons why preselection is requested. Presetected sites must receive final site approval from the Field Office prior to publication of the Invitation for Proposals. If approved by the Field Office, the PHA's Invitation shall identify the preselected site and invite developers to submit proposals with regard to that site. The Invitation shall state that proposals involving other sites may also be submitted and that the fact that a site was preselected will not be taken into account in evaluating proposals.

§ 841.203 Opening of Proposals.

The PHA shall open all proposals received at the time and place specified in the Invitation; proposals received after the deadline shall be returned unopened. The PHA shall send copies of each opened proposal to the Field Office.

§ 841.204 Evaluation and Selection.

(a) *Evaluation.* The PHA shall evaluate each proposal on the basis of cost, site, design and amenities and experience of the developer and/or builder. The PHA shall select the lowest cost proposal, unless the PHA can justify another selection on the basis of specific points of superiority. The PHA shall tentatively select the best of the proposals received in response to the Invitation and submit to the Field Office its rationale for the tentative selection with a request for HUD approval.

(b) *Preliminary Site Report.* The PHA's submission of its tentative selection shall be accompanied by a Preliminary Site Report and request for an appraisal in accordance with § 841.116 for the site or sites in the tentatively selected proposal.

(c) *Field Office Review.* The Field Office shall review the PHA documentation and selection, process the Preliminary Site Report to final site approval, in accordance with § 841.116, and notify the PHA of approval or disapproval of the selection.

(d) *Selection.* (1) After obtaining HUD approval, the PHA shall notify the developer of the selection. This notification shall set a date by which either the preliminary plans and specifications or working drawings and specifications are to be submitted and shall advise that after HUD's receipt of these documents, HUD will set a date for a negotiation conference.

(2) The PHA shall prepare a statement setting forth the factors which contributed to the selection of the developer and make the statement available for public inspection.

§ 841.205 Negotiation Conference.

(a) *Negotiation.* On the basis of the preliminary plans and specifications or the working drawings and specifications and Field Office review of these documents, the parties shall negotiate the purchase price and other project re-

quirements necessary for the preparation of the Development Program.

(b) *Preliminary Contract of Sale.* At this conference the developer will advise the PHA whether he will want a Preliminary Contract of Sale before having the working drawings and specifications prepared. If so, the parties shall agree on a purchase price for the site and a price for the architectural and engineering services and, in such case, the negotiated price of the project shall be subject to reduction after completion of the working drawings and specifications.

§ 841.206 Development Program and ACC.

On the basis of the developer's proposal and any modifications as a result of the negotiations, the PHA shall prepare and submit to the Field Office the Development Program. The Field Office shall review the Development Program to assure that all requirements have been met and after approval of the Development Program, the Field Office shall prepare and process the documents required for execution of the ACC.

§ 841.207 Contract of Sale.

Following execution of the ACC, the parties shall execute the Contract of Sale on the HUD prescribed form if the Developer previously submitted working drawings and specifications. If the Development Program included only preliminary plans and specifications, the PHA and the developer may execute a Preliminary Contract of Sale on the HUD prescribed form which states their mutual obligations during the period that the working drawings and specifications are being prepared and, upon HUD approval of the working drawings and specifications, the PHA and the developer shall execute the Contract of Sale.

§ 841.208 Construction requirements.

The requirements for changes in the Contract of Sale, inspections during construction, acceptance and warranties are stated in § 841.118. The PHA shall contract with an architect on the HUD prescribed form for the performance of inspection services during construction.

Subpart C—Conventional Method—New Construction

§ 841.301 Description.

The PHA shall use the turnkey method for new construction unless the PHA can demonstrate in its application and the Field Office determines that the conventional method will permit development of the project at direct and indirect costs, including consideration of total development cost and administrative costs of the PHA and HUD, that are less than would be required under the turnkey method. Under the conventional method, the PHA contracts with an architect to prepare plans and specifications for a proposed project on a site owned by the PHA. Following HUD approval of the plans and specifications, the PHA advertises for bids from contractors to

build the project and awards the Construction Contract to the lowest responsible bidder, subject to HUD approval. The contractor provides assurance in the form of 100 percent performance and payment bonds, or other security approved by HUD, such as a letter of credit or escrow. The contractor receives progress payments from the PHA during construction and a final payment upon completion in accordance with the Construction Contract.

§ 841.302 Site selection.

Following issuance of a Program Reservation, the PHA shall, if it has not already done so, select sites in accordance with the criteria stated in § 841.108 and shall request site approval in accordance with § 841.116. The PHA may option a site during this process.

§ 841.303 Development Program and ACC.

The PHA shall contract with an architect on the HUD prescribed form. The architect shall prepare schematic design plans and specifications in accordance with § 841.109 and as prescribed by the PHA. Based on these plans, the architect shall prepare a detailed estimate of project construction cost covering all work to be included in the construction contract. After review and approval by the Field Office of these plans and estimates, the PHA shall prepare and submit the Development Program as specified in § 841.117. The Field Office shall review the Development Program to assure that all requirements have been met. Upon approval of the Development Program, the Field Office shall prepare and process the documents required for execution of an ACC.

§ 841.304 Construction Contract and Bidding Documents.

Following execution of the ACC, the PHA and its architect shall prepare the construction and bid documents and submit them to the Field Office for approval. The Field Office shall determine that the bidding documents, the procedures for inviting bids, the proposed Construction Contract and attachments and all drawings and specifications are in compliance with HUD requirements. Following HUD approval, the PHA shall publish the advertisement for bids. A standard package of bid documents shall be issued to each prospective bidder.

§ 841.305 Award of Contract.

The PHA shall award the Construction Contract to the lowest responsible bidder after obtaining HUD approval of the proposed award. Following the receipt of Field Office approval, the PHA and contractor shall execute the Construction Contract and the PHA shall issue the Notice to Proceed directing the contractor to commence work.

§ 841.306 Construction requirements.

The requirements for changes in construction contracts, inspections during construction, acceptance and warranties are stated in § 841.118.

Subpart D—Acquisition Method

§ 841.401 Description.

Under the acquisition method, the PHA acquires an existing property which may need no rehabilitation or may require substantial rehabilitation to serve as low-income housing. A PHA may combine properties requiring substantial rehabilitation with properties requiring no rehabilitation in a single project.

§ 841.402 Property Selection.

(a) *Types of Property.* Structures of various types may be appropriate for use in an acquisition project, including non-housing structures which may be converted to housing use. Structures, other than those assisted under the Act, owned by a PHA, or city, county or state government, as well as HUD-owned, held or insured properties, are eligible for selection.

(b) *Other Considerations.* In addition to § 841.108, the PHA in its property selection shall consider:

(1) The design and quality of original construction as well as the degree, complexity and cost of rehabilitation necessary to place the property in acceptable physical condition, and

(2) The feasibility of relocating site occupants during and after rehabilitation, and availability of funds for this purpose, if applicable.

§ 841.403 Rehabilitation standards.

Projects shall be rehabilitated in compliance with § 841.109 and all acquired projects must comply with HUD regulations issued pursuant to the Lead Based Paint Poisoning Prevention Act (42 U.S.C. 4801).

§ 841.404 Turnkey procedures.

The PHA may invite proposals from developers who will provide the properties and perform the rehabilitation. The PHA may preselect a property in accordance with § 841.202(b). The procedures set forth in Subpart B of this part shall be followed.

§ 841.405 Conventional procedures.

The procedures set forth in Subpart C of this part shall be followed.

§ 841.406 Prequalified contractors.

Subject to Field Office approval, the PHA may develop a list of prequalified contractors or developers by advertising and giving an opportunity to all interested contractors or developers to submit information concerning their past experience and qualifications. Thereafter, the PHA may invite only prequalified contractors or developers to submit bids or proposals. The award shall be made to the lowest responsible prequalified contractor or the selection shall be made of the best proposal from a prequalified developer.

§ 841.407 Acquisition without rehabilitation.

If no rehabilitation work is required, the PHA shall select the property in accordance with the criteria set forth in §§ 841.108 and 841.402 and request site approval in accordance with § 841.116. Following final site approval and approval of the property, the PHA shall prepare and submit a Development Program (which shall include the cost of any minor repair or redecoration needed before occupancy) in accordance with § 841.117. Upon approval, the Field Office shall prepare and process the documents required for execution of the ACC. The Field Office shall arrange the closing at which the purchase of the property shall be accomplished.

§ 841.408 Force Account.

The force account method, whereby the PHA uses its existing staff or hires additional personnel to perform some or all of the work, may be used only in exceptional cases. Use of this method must be justified and the PHA must demonstrate in its Application that it has the capability to successfully implement this method. An exceptional case could be a project or unit of work of unusually small size, a project involving properties requiring only minor rehabilitation or a project involving individual small structures requiring major rehabilitation where it is necessary to utilize many separate sets of detailed plans and specifications or other contract documents and the work of preparing, advertising, awarding and administering such contracts would be disproportionately difficult, time-consuming and high in cost. Work under this method shall be subject to David-Bacon wage rates. The force account method may be combined with a conventional Construction Contract for other portions of the rehabilitation. The Field Office may specify special conditions or procedures designed to assure timely completion of the work within the approved development cost.

APPENDIX A—PROTOTYPE COST LIMITS FOR LOW-INCOME HOUSING

A. UNIT PROTOTYPE COST

1. Prototype cost comprises the cost of dwelling structures, account No. 1460, and dwelling equipment, account No. 1465, as described in "Low-Rent Housing Accounting Handbook 7510.1," chapter 3, section 15, which include their pro rata share of the builders' fee and overhead, insurance, social security, sales tax, and bonds.

2. Prototype cost does not include the costs of site acquisitions, site improvement, non-dwelling structures or spaces (and equipment), planning (architectural-engineering fees, permit fees, inspection, and similar costs), relocation, interest or local authority administrative costs, all of which are described in "Low-Rent Housing Accounting Handbook 7510.1," chapter 3, section 15.

3. Prototype cost takes into account compliance with applicable HUD Minimum Property Standards and planning and design criteria described in HUD Handbook 7410.1, chapter 3. Currently copies of HUD Handbooks are maintained and available for public inspection in the Office of Public Information, room 1104, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410, and in each of the Department's regional, area and insuring offices.

4. Prototype cost takes into account:

(a) The extra durability and special features required for safety and security and economical maintenance of such housing.

(b) The provision of amenities designed to guarantee a safe and healthy family life and neighborhood environment.

(c) The application of good design as an essential component of such housing for safety and security as well as other purposes.

(d) The maintenance of quality in architecture to reflect the standards of neighborhood and community.

(e) The need for maximizing the conservation of energy for heating, lighting, and other purposes.

(f) The effectiveness of existing cost limits in the area, and

(g) The advice and recommendations of local housing producers.

B. PROJECT PROTOTYPE COSTS

1. The project prototype cost is the sum of the unit prototype costs for the dwellings of various sizes and types comprising the project. The total cost of dwelling construction and equipment (accounts 1460 and 1465), and the related proportionate share of the contingency established by any development cost budget shall not exceed the sum of 105 percent of the project prototype costs for the dwellings to be constructed.

2. A request for approval of a cost which exceeds the 105 percent cost limitation but which is not in excess of the statutory 110 percent may be submitted to the Regional Administrator. Such requests shall be supported by a detailed justification with respect to the particular project, taking into account all of the circumstances involved and demonstrating that such approval is necessary and desirable in carrying out the objectives of the Act.

3. If it is found at any time between annual updates that all or part of the current prototype cost for a field office jurisdiction are unworkable, the procedures outlined in HUD Handbooks 7410.1 and 7410.2 (1-74) will be followed for requesting revisions.

4. Development cost budgets, awards of main construction contracts, preliminary contracts of sale, and contracts of sale for turnkey projects will not be approved unless an appropriate prototype cost for the area is published in the FEDERAL REGISTER.

NOTE.—For FR page references to the List of Prototype Per Unit Cost Schedules issued under this Appendix but not carried in the Code of Federal Regulations, consult the List of CFR Sections affected.

Dated: November 12, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.76-34015 Filed 11-17-76; 8:45 am]

THURSDAY, NOVEMBER 18, 1976



PART III:

DEPARTMENT OF TRANSPORTATION

**Federal Aviation
Administration**



TRANSPORT CATEGORY AIRPLANE FATIGUE REGULATORY REVIEW PROGRAM

**Invitation to Submit Proposals for
Consideration**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 25]

[Docket No. 16280; Notice No. 76-25]

TRANSPORT CATEGORY AIRPLANE FATIGUE REGULATORY REVIEW PROGRAM

Invitation to Submit Proposals for Consideration

The Federal Aviation Administration gives public notice of the Transport Category Airplane Fatigue Regulatory Review. This Review program will be administered by the Safety Regulations Division, Flight Standards Service, and will proceed according to the following schedule of events: (1) Submittal of proposals by January 7, 1977; (2) Distribution of a Conference Agenda (containing a compilation of submitted proposals) by February 9, 1977; (3) The holding of a Transport Category Airplane Fatigue Regulatory Review Conference at the Sheraton-National Hotel, Arlington, Virginia 22204, during March 15-17, 1977; (4) The issuance of a notice of proposed rulemaking; and (5) The analysis of comments and adoption of appropriate amendments.

Background. After the Airworthiness Review Conference held in Washington on December 2-11, 1974, the FAA indicated that action on several proposed revisions of the structural fatigue requirements in §§ 25.571 and 25.573 would not be taken. Subsequently, an FAA-Industry group was formed to discuss the issues involved in revising these requirements. This group has met on several occasions, enabling a fruitful exchange of views. The FAA now wishes to obtain the participation of all interested persons in this regulatory effort. In view of the complex technical issues that must be resolved, the FAA believes that this Transport Category Airplane Fatigue Regulatory Review, with its associated Review Conference, is the most effective procedure for attaining that objective.

The FAA notes further that the subject of international structural fatigue standards was discussed at the 11th meeting of the ICAO Airworthiness Committee during February 1976. The United States position on such international standards will necessarily be based on the regulatory outcome of this Part 25 Fatigue Review.

Scope of the Review. The Transport Category Airplane Fatigue Regulatory Review will deal exclusively with proposals to amend the structural fatigue requirements set forth in §§ 25.571 and 25.573 of Part 25 of the Federal Aviation Regulations.

Proposals invited. Interested persons, both foreign and domestic, are invited to submit any proposals they deem appropriate to amend the structural fatigue requirements set forth in §§ 25.571 and 25.573 of Part 25 of the Federal Aviation Regulations. All proposals should be submitted in duplicate to the Federal Aviation

Administration, Flight Standards Service, Airworthiness Review Branch, AFS-910, 800 Independence Avenue, SW., Washington, D.C. 20591. To ensure their consideration, proposals must be received by the FAA by January 7, 1977.

Required format and information. The FAA has found, during past review programs, that the processing and evaluation of regulatory proposals are greatly facilitated when they are submitted in standard format and contain certain kinds of information. The Appendix to this notice contains a sample of the format that should be used, with several clerical guidelines. Each proposal should contain at least the following information:

- (1) The full name or title of the proponent, or an acceptable acronym.
- (2) The FAR section affected.
- (3) A short title identifying the subject of the proposal, in 10 words or less.
- (4) The specific regulatory language proposed to attain the objective sought, or a precise statement of that objective.
- (5) The language of the current rule that the proposal would change.
- (6) An explanation and justification of the proposal, including answers to the following questions:

- a. What is the background?
- b. Why is the proposed change necessary?
- c. What data, reports, records, etc., support the proposal?
- d. What are the probable economic consequences, if any?

When more than one proposal is submitted to attain the objective sought, the information in item 6. above may be stated in one of the proposals and cross-referenced in the others.

Conference Agenda. The FAA will prepare a Conference Agenda containing a compilation of the proposals submitted, including a number of FAA proposals. The Conference Agenda will be distributed by February 9, 1977, to each person who has submitted a proposal or who has expressed an interest in this Regulatory Review. At that time, a Notice of Availability of the Transport Category Airplane Fatigue Review Conference Agenda will be issued and published in the FEDERAL REGISTER.

Proposals received in response to this notice will not necessarily appear in the Conference Agenda. Those that are received too late, are beyond the scope of this Regulatory Review, do not follow the prescribed format, or lack the essential information previously outlined, may not be included. Further, the FAA will not include proposals that are not adequately justified, would require further research, or are not likely to generate fruitful discussion at the Conference; these would be dropped or deferred for further study and possible future consideration.

The Conference Agenda, in addition to providing general information on the Conference (including information on registration for the Conference and hotel reservations), will contain detailed in-

formation on the scheduling of the proposals for discussion.

Conference. Persons who plan to attend the Conference should be aware of the following procedures, which have been established to facilitate the workings of the Conference:

1. The Conference will begin at 9 a.m. on the morning of March 15, 1977, at the Sheraton-National Hotel, Arlington, Virginia. There will be no admission fee or other charge to attend and participate. All Conference sessions will be open, on a space available basis, to all persons who registered to attend. If necessary to complete the Conference Agenda, sessions may be extended to evenings or additional days.

2. One or more committees, each chaired by the FAA, will be established to discuss the proposals in the Conference Agenda.

3. All Conference sessions will be recorded. Copies of the tapes may be purchased, at fees determined in accordance with 49 CFR 7.95(j), from the Office of the Chief Counsel, AGC-24, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

4. The FAA will not consider material presented at the Conference by participants on any issue that is not contained in the Conference Agenda. Position papers or clarification of language in the proposals may be accepted at the discretion of the Committee Chairman.

5. Proposals appearing in the Conference Agenda will not necessarily be included in a notice of proposed rulemaking. Statements made by FAA participants at the Conference should not be taken as expressing a final FAA position. The FAA will decide, after post-Conference analysis, which proposals will be revised, expanded, or accepted without change, for inclusion in a notice of proposed rulemaking, and which will be deferred or rejected.

Pending notices and petitions for rulemaking. As previously mentioned, several proposals to revise the structural fatigue requirements in current §§ 25.571 and 25.573 were submitted for consideration during the December 2-11, 1974, Airworthiness Review Conference. These were either deferred or withdrawn, except for one which appeared as Proposal 7-27 in Airworthiness Review Notice 75-26 (40 FR 24802). The FAA plans to withdraw this proposal pending discussions at the Transport Category Airplane Fatigue Regulatory Review Conference.

There are no other pending notices of proposed rulemaking, or petitions for rulemaking, which fall within the scope of this Regulatory Review.

Proposed and final rulemaking. The proposals in the Conference Agenda, and the related discussions at the Conference, will be used by the FAA in developing an appropriate notice of proposed rulemaking which will be published in the FEDERAL REGISTER. This notice, when published, will provide interested

persons an opportunity to comment on specific proposed amendments to Part 25. Final rules adopted pursuant to that notice will be issued after consideration of all comments received.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and

1423), Sec. 6(e), Department of Transportation Act (49 U.S.C. 1655(e)))

- Issued in Washington, D.C. on November 15, 1976.

R. P. SKULLY,
Director,
Flight Standards Service.

APPENDIX—FORMAT FOR PROPOSALS

The format below should be used in developing proposals for consideration during the Fatigue Review Conference. In addition, each proposal should be submitted on a separate page. The text should be within margins not more than 6½ inches wide nor more than 9 inches long, so that it can be printed on 8 x 10½ inch paper.

SAMPLE FORMAT

Proposal: (Leave blank—for FAA use).
From: Mr. John Doe.
Index: (Leave blank—for FAA use).

FAR: 25.571(c) (1)
Subject: Fail-safe fatigue substantiation

Proposal

Current Rule

Revise § 25.571(c) (1) to read as follows:

§ 25.571 Fatigue evaluation of flight structure.

§ 25.571 Fatigue evaluation of flight structure.

(c) * * *
(1) [insert proposed revised language].

(c) *Fail safe strength.* It must be shown by analysis, tests, or both, that catastrophic failure or excessive structural deformation, that could adversely affect the flight characteristics of the airplane, are not probable after fatigue failure or obvious partial failure of a single principal structural element. After these types of failure of a single principle structural element, the remaining structure must be able to withstand static loads corresponding to the following:
(1) An ultimate maneuvering load factor of 2.0 at Vc.

EXPLANATION AND JUSTIFICATION

[Outline the background, and set forth the rationale supporting the proposed change. Include an estimate of its probable economic consequences.]

[FR Doc.76-34127 Filed 11-17-76;8:45 am]

THURSDAY, NOVEMBER 18, 1976



PART IV:

FEDERAL ENERGY ADMINISTRATION

CRUDE OIL PRICES

**Further Corrective Action to Comply
With Statutory Composite Price Levels;
Proposed Rulemaking and Public Hearing**

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

CRUDE OIL PRICES

Further Corrective Action To Comply With Statutory Composite Price Levels; Pro- posed Rulemaking and Public Hearing

A. Introduction and Summary. The Federal Energy Administration hereby gives notice of a proposal to authorize further corrective action by FEA, including a rollback of upper tier crude oil price ceilings, if necessary, in order to compensate for amounts by which the actual weighted average first sale price of domestic crude oil has exceeded the maximum weighted average first sale price established by the Energy Policy and Conservation Act ("EPCA"). These amounts appear to have increased significantly in September, 1976, the latest month for which data is available.

Based on preliminary data, the amounts in excess of the statutory limits increased by \$33 million in September due primarily to recent statutory and regulatory amendments relating to qualification for stripper well status and the definition of "property." These amendments appear to have contributed to a decline of approximately 2.28 percentage points in the ratio of lower tier crude oil to total domestic production. This change in the relative proportions of lower and upper tier crude oil production results in an automatic increase in the actual weighted average or composite price for crude oil even though upper and lower tier crude oil ceiling prices have remained since July 1, 1976, at the maximum levels permissible for June, 1976.

Alternative proposals upon which comments are requested are: (1) a rollback of upper tier price levels by an estimated \$1.40 to \$1.60 per barrel during December, 1976, and January, 1977, in order to compensate fully by January 31, 1977, for cumulative pricing overages since February which, as of September (preliminary data), totalled nearly \$200 million; (2) a continuation of the present limitation on crude oil ceiling prices at their June, 1976, levels through December, 1976, in order to obtain more complete data, followed by appropriate compensatory action extending over a seven-month period (January to July, 1977) in order to compensate fully by July 31, 1977, for cumulative pricing overages through December, 1976, while also minimizing disruptive effects on domestic production which might result from option (1); and (3) depending upon the results of data for December, 1976, under alternative (2), further continue the price freeze pending consideration by Congress of an energy action to be submitted by FEA pursuant to section 8(e) of the Emergency Petroleum Allocation Act, as amended ("EPAA"), under which a one-time increase in the statutory composite price for January, 1977, sufficient to compensate for total cumulative receipts projected to exist at that time, would be proposed.

If preliminary results for September, 1976, are confirmed by available data in December, 1976, a continuation of the present freeze on crude oil price ceilings until July 31, 1977, would be sufficient to correct fully for all crude oil pricing overages which have occurred or which shall have occurred since February, 1976. However, later data may indicate that this course of action would not be sufficient, and in such event FEA would be empowered under this proposal to reduce upper tier ceiling price levels to the extent necessary (possibly as much as 10 to 20 cents per barrel, under a very unfavorable combination of circumstances) to reduce cumulative excess revenues to zero by July 31, 1977.

In accordance with procedures outlined in Section E, below, FEA will hold public hearings on November 29, 1976, as well as receive written comment with respect to this proposal.

B. Background. 1. *Implementation of EPCA; Price Schedule No. 1.* The Energy Policy and Conservation Act, Pub. L. 94-163, December 22, 1975, ("EPCA"), extended price controls on domestic crude oil for a 40-month period beginning February 1, 1976, under a weighted average or statutory composite price initially set at \$7.66 per barrel. The EPCA included provisions permitting the composite price to be increased to account for inflation (thereby maintaining the composite price in real dollar terms) and to provide an incentive to increase production. Until amended by the Energy Conservation and Production Act, Pub. L. 94-385, August 14, 1976, ("ECPA") the production incentive factor was subject to a three percent limitation annually and a 10 percent annual limitation was imposed on the combined inflation adjustment and production incentive factors.

Under the two-tier pricing system established by the FEA on February 1, 1976, pursuant to the EPCA (41 FR 4931, February 3, 1976), the situation in February, 1976, was assumed to be as follows: lower tier crude oil, estimated at 60 percent of total domestic production, was being sold at an average estimated price of \$5.25 per barrel; upper tier crude oil (including, at that time, stripper well production), estimated at 40 percent of total domestic production, was being sold at an estimated average price of \$11.28 per barrel; and the weighted average of the two tiers equalled the applicable statutory composite price for first sales of crude oil of \$7.66 per barrel ($\$5.25 \times 0.60 + \$11.28 \times 0.40 = \7.66).

Pursuant to the EPCA, FEA issued regulations on April 8, 1976, which applied a 9.8 percent annual rate of increase to the statutory composite price, beginning March 1, 1976, based on a three percent production incentive and the then-applicable inflation rate of 6.8 percent (41 FR 15566, April 13, 1976). Under these regulations, the full percentage amounts available to reflect the impact of inflation and to provide a production incentive were initially applied at equal rates to the upper and lower tier prices within the constraints of the adjusted statutory composite limit. Based on an estimated national decline rate of eight percent annually relating to lower tier crude oil production, plus a continuation of the then-current 6.8 percent annual rate of inflation, FEA projected the data shown below in Table I for 1976, which was used in computing the initial schedule of crude oil price adjustments (Price Schedule No. 1).

TABLE I.—Projections for 1976 Underlying Price Schedule No. 1

	Estimated average lower tier price	×	Estimated percent lower tier crude oil	+	Estimated average upper tier price	×	Estimated percent upper tier crude oil	=	Statutory composite price
February.....	\$5.25		60.0		\$11.23		40.0		\$7.60
March.....	5.28		59.8		11.35		40.2		7.73
April.....	5.31		59.6		11.42		40.4		7.78
May.....	5.35		59.3		11.49		40.7		7.84
June.....	5.38		59.1		11.60		40.9		7.91
July.....	5.41		58.9		11.62		41.1		7.97
August.....	5.44		58.7		11.70		41.3		8.03
September.....	5.48		58.4		11.77		41.6		8.09
October.....	5.51		58.2		11.84		41.8		8.16
November.....	5.54		58.0		11.91		42.0		8.23
December.....	5.58		57.7		11.98		42.3		8.29

It should be noted that as the percentage of upper tier crude oil increases relative to the percentage of lower tier crude oil, the composite or weighted average price of upper and lower tier crude oil increases automatically, even though there is no change in the upper tier or lower tier ceiling price. To illustrate this effect, a hypothetical lower/upper tier crude oil "mix" of 100 percent/0 percent would result in a "weighted average" price which equals the lower tier price (e.g., \$5.25 per barrel, as in Table I), while the extreme opposite "mix" of 0

percent lower tier and 100 percent upper tier crude oil would result in a "weighted average" price which equals the upper tier price (e.g., \$11.28 per barrel, as in Table I). Thus, using the foregoing illustrative prices, for each percentage point reduction in the amount of lower tier crude oil, there would be an increase of approximately six cents per barrel in the resulting actual weighted average composite price. Depending upon the magnitude of the shift in "mix" from lower tier crude oil toward upper tier crude oil, some or even all of the

maximum 10 percent annual increase in the statutory composite price limitation will be needed to account for this factor. Under the assumptions of Price Schedule No. 1, for example, the three percent annual price increase in the statutory composite price as a production incentive was projected increasingly to be accounted for by this shift effect rather than by actual increases in lower tier or upper tier crude oil prices, such that by mid-1978 the projected amount of the adjustments to the actual ceiling prices were reduced to levels which were less than the 6.8 percent rate of inflation then being used for projection purposes.

The data in Table I, translated into regulatory terms under Price Schedule No. 1, authorized¹ the following crude oil ceiling price levels for 1976:

TABLE II.—From Price Schedule No. 1

Month (1976)	Lower tier May 15, 1973, posted price ¹ plus:	Upper tier Sept. 30, 1976, posted price ² less:
February.....	\$1.35	\$1.12
March.....	1.38	1.25
April.....	1.41	1.18
May.....	1.45	1.11
June.....	1.48	1.05
July.....	1.51	.97
August.....	1.54	.90
September.....	1.58	.83
October.....	1.61	.76
November.....	1.64	.69
December.....	1.68	.62

¹ The price referred to in 10 CFR 212.73(b)(1).

² The price referred to in 10 CFR 212.74(b)(1).

2. Price Schedule No. 2. Subsequent to issuance of Price Schedule No. 1, FEA collected and analyzed data on actual crude oil prices for February and March under its new crude oil first sale price and volume reporting procedures. These data disclosed that FEA's initial price and volume estimates, although generally realistic for purposes of initial implementation of the EPCA and industry planning, had resulted in actual weighted average first sale prices that were in excess of the statutory composite price limitations. Accordingly, FEA halted further increases in upper and lower tier price levels effective July 1, 1976, for a period of two months, to minimize any further pricing excesses pending review by FEA of more complete price and volume data. This action was effected by issuance of Price Schedule No. 2 which superseded Price Schedule No. 1 effective July 1, 1976 (41 FR 27730, July 6, 1976).

As explained in the notice accompanying Price Schedule No. 2, actual data for February and March (subject to final verification) compared with the assumptions and estimates underlying Price Schedule No. 1 was as shown below in Table III:

¹ Price Schedule No. 1, effective March 1, 1976, was issued subject to revision to take into account changing rates of inflation and other factors. It was in fact superseded by Price Schedule No. 2 effective July 1, 1976, as noted below.

TABLE III

	Actual	Estimated or projected
February		
Lower tier price.....	\$5.07 per barrel..	\$5.25 per barrel.
Upper tier price.....	11.44 per barrel..	11.23 per barrel.
Percent lower tier.....	60.8.....	60.0
Composite price.....	\$7.82.....	\$7.65
March		
Lower tier price.....	\$5.10 per barrel..	\$5.23 per barrel.
Upper tier price.....	11.43 per barrel..	11.23 per barrel.
Percent lower tier.....	57.3.....	59.8
Composite price.....	\$7.80.....	\$7.72

Based on data in Table III, FEA estimated at the end of June, 1976, that prices charged pursuant to Price Schedule No. 1 for the months of February and March had been approximately \$60 million in excess of those which would have been received if actual composite prices for February and March had coincided exactly with the statutory composite price authorized for each of those

TABLE IV.—Data Underlying Price Schedule No. 3

Month	Lower tier percent	Lower tier price	Upper tier price	Statutory composite price	Actual composite price	Cumulative excess receipts (in millions)
February.....	60.13	\$5.05	\$11.47	\$7.66	\$7.87	\$19
March.....	60.03	5.07	11.33	7.72	7.79	67
April.....	60.03	5.07	11.52	7.78	7.86	56
May.....	57.04	5.13	11.55	7.84	7.83	97
June ¹	60.05	5.15	11.62	7.83	8.00	120

¹ Preliminary.

² Reduced from original projected figure of \$7.91 (see table I) to reflect revised inflation rate of 3.5 pct applicable to months beginning with June 1976.

Based on this more complete data, FEA extended the freeze on upper and lower tier price increases for an additional three months, until November 30, 1976, in order to examine the effects of the continued price freeze during July through September before making any changes in lower and upper tier pricing levels. This action was taken by issuing Price Schedule No. 3, which superseded Price Schedule No. 2 effective September 1, 1976 (41 FR 37311, September 3, 1976).

In the notice which accompanied Price Schedule No. 3, FEA pointed out that the Energy Conservation and Production Act ("ECPA"), enacted into law on August 14, 1976, had removed the three percent limitation on annual increases in the statutory composite price attributable to the production incentive. This gave greater pricing flexibility to FEA since the only limitation remaining was the overall 10 percent limitation on the rate of increase in the statutory composite price, both to take into account inflation and as a production incentive. However, while the rate of increase in the statutory composite price was increased to 10 percent annually effective August 14, 1976, FEA indicated in the Price Schedule No. 3 notice that it could not at that time determine the extent to which this increased pricing flexibility would be available to offset revenue excesses accumu-

months. This fact, coupled with a reduction in the applicable rate of inflation which operated to reduce the permissible monthly increase in the statutory composite price from about six cents per barrel to about four cents per barrel for the months of June, July and August, 1976, suggested the appropriateness of early corrective action to avoid the need for more drastic action at a later date.

3. Price Schedule No. 3. In August, 1976, FEA reviewed final actual crude oil first sale data then available for February, March, April and May, plus preliminary data for June. These data indicated, as shown in Table IV, below, that excess receipts continued to accumulate through June 30, 1976, although at a significantly reduced rate. The revised final figure of \$67 million for the first two months of the program (February and March) indicated accumulations at an average of \$33.5 million per month, while the preliminary cumulative figure of \$120 million for the first five months showed an average monthly accumulation rate of \$25 million. The average rate for the months of April-June was \$19 million per month.

lated prior to that time, since the extent to which that flexibility would be used to satisfy congressional priorities relating to gravity price differentials and encouragement of tertiary recovery techniques was not yet clear.

FEA also noted that the definition of "property" had been amended effective September 1, 1976, to permit producers to treat as separate properties each separate and distinct state-recognized producing reservoir. The possible effect of this action on volumes of upper and lower tier crude oil was described by FEA as follows:

To the extent that producers elect to exercise this option and begin to treat separate reservoirs as separate properties, the amended property definition may result in some shift in the proportionate volumes of lower and upper tier crude oil. It is, of course, impossible for FEA to quantify at this time the exact extent of any such shift. However, if the amended property definition results in the movement of significant volumes of crude oil from the lower to the upper tier, FEA may be required to consider extending the present hold on crude oil price adjustments beyond November 1976.

C. Current first sale data trends. Currently FEA has final actual data for the months of February through July, 1976, plus preliminary data for August and September, 1976. These data are presented in Table V, below.

TABLE V

Month	Lower tier percent	Lower tier price	Upper tier price	Statutory composite price	Actual composite price	Cumulative excess receipts (in millions)
February	56.12	\$5.05	\$11.47	\$7.66	\$7.87	\$19
March	56.93	5.07	11.39	7.72	7.79	67
April	56.63	5.07	11.52	7.78	7.86	88
May	57.04	5.13	11.55	7.84	7.89	97
June	55.02	5.15	11.60	7.88	7.99	123
July	55.58	5.19	11.60	7.93	8.04	152
August	55.63	5.18	11.62	7.98	8.03	164
September ¹	53.40	5.16	11.65	8.04	8.18	197

¹ Preliminary.

² Reduced from original projected figures (see Table I) of \$7.31 for June, \$7.97 for July, \$8.03 for August, and \$8.09 for September, due to reduction in annual rate of increase from 9.8 pct to 6.5 pct (reflecting decline in rate of inflation from 6.8 pct to 3.5 pct) applicable to June, July, and August 1-12. Pursuant to §§122 and 124 of the ECPA, a full 10 pct annual rate of increase is used for August 14-31 and the month of September. The average rate of increase for August is 8.52 pct.

³ Includes prices for stripper well crude oil production at an imputed value of \$11.63 per barrel in accordance with § 121 of the ECPA.

Table V reveals two significant developments: (1) the average rate of accumulation of excess receipts of about \$20 million per month for the three-month period prior to July 1, 1976, appears to have remained essentially unchanged for the two-month period of July and August despite the freeze on upper and lower tier price levels effective July 1, 1976, and despite a decline in the percentage of lower tier crude oil of only 0.23 between June and August compared with FEA's original projection in Table I of a decline of 0.4 for the same period; and (2) preliminary data for September indicates a decline of about 2.28 percentage points in the percentage of lower tier crude oil between August and September, contributing to a 15 cents per barrel increase in the actual composite price between August and September and a \$33 million increase in excess revenues for September.

FEA is attempting to determine why the same average monthly rate of accumulation of excess revenues which occurred in April, May and June continued in July and August. It is also not yet clear why average lower tier prices for July and August and average upper tier prices for August appear to have exceeded June levels by the amounts indicated in Table V. However, FEA believes several factors may have contributed to this result.

First, there may have been a shift in the mix of the various grades of crude oil such as to result in escalation in the average lower and upper tier price levels despite the general price freeze. Second, if certain producers sold crude oil in June, 1976, at below June ceiling price levels, they could lawfully increase prices in July and August up to the June level. Third, in other instances there may have been pricing violations in July and August which are not immediately apparent and which may take several months to isolate and quantify.

FEA requests comment on the pricing trends for July and August as revealed by Table V and on the factors which might explain these trends.

FEA believes the reduction in the percentage of lower tier crude oil between August and September (2.28 percentage points based on preliminary data) is due to the following three factors.

Until September 1, 1976, § 212.74 of the FEA price regulations permitted first sales of crude oil produced from stripper well properties to be priced at upper tier price levels. "Stripper well property" was defined as a property whose average daily production of crude oil per well did not exceed 10 barrels per day during "any preceding calendar year beginning after December 31, 1972."

Section 121 of the ECPA exempted the first sale of stripper well crude oil from price controls (but not from inclusion in the actual composite price at an imputed price) effective September 1, 1976. Section 121 also included a definition which changed the qualifying period for status as a stripper well property to "any consecutive 12-month period beginning after December 31, 1972." Regulatory amendments adopting this change, along with other changes mandated by section 121 of the ECPA, were adopted effective September 1, 1976 (41 FR 48319, November 3, 1976).

As a consequence of these changes, some properties which by virtue of production declining below a daily average of 10 barrels per well could not have qualified as stripper well properties until January 1, 1977, under FEA's regulatory definition prior to September 1, 1976, qualified as stripper well properties effective September 1, 1976, under the new definition mandated by section 121 of the ECPA. This shift of production previously priced as lower tier crude oil to production the sale of which is exempt under the exemption applicable to stripper well properties is estimated by FEA to have accounted for 0.5 to 1.0 percentage point of the total 2.28 percentage point decline in the percentage of lower tier crude oil between August and September, 1976.

A second factor contributing to this decline is the normal average monthly decline in lower tier production. This factor accounts for an estimated 0.2 of the total 2.28 percentage point decline in the percentage of lower tier crude oil in September.

FEA's amended definition of "property," as indicated in the August 31 notice relating to Price Schedule No. 3 (see Section B.3, above), also appears to have resulted in a shift in crude oil from the lower tier to the upper tier. Under the

new definition, which was made effective September 1, 1976, in order to provide increased incentives for additional domestic production, separate reservoirs which previously constituted a single property because they underlay a single tract which was the subject of a lease may be treated as separate properties under certain conditions. In some cases, recomputation of upper and lower tier volumes based on separate reservoirs will result in a shift of volumes from the lower tier to the upper tier. Based on preliminary data for September, FEA estimates that, of the 2.28 percentage point reduction in the proportion of lower tier crude oil for September, 1.0 to 1.5 percentage points are attributable to volumes of lower tier crude oil having shifted to upper tier crude oil because of the redefinition of "property."

To summarize, the decline in the percentage of lower tier crude oil between August and September, 1976, as indicated in Table V, is believed to be attributable to the following factors in the proportions indicated:

Change in definition of "stripper well property"	0.5-1.0
Normal decline in lower tier production	0.2
Change in definition of "property"	1.0-1.5

Comment on the foregoing estimates is requested.

D. *Proposals.* As indicated in Section A, above, FEA is proposing three alternative means in order to compensate for cumulative excess receipts which, based on preliminary data for September, have reached a level of nearly \$200 million. Although this level is less than one percent of the projected total crude oil first sale receipts during the period February, 1976, through January, 1977, and FEA estimates that amounts well in excess of \$200 million will eventually be returned to consumers as a consequence of compliance actions with respect to the pricing of crude oil, it is FEA's view that, in tended implementation of this aspect of the crude oil pricing program established by the ECPA, FEA should adopt in this proceeding regulations that would afford a basis for correcting for pricing overages which have occurred and which may occur in the future by reductions in upper tier ceiling prices, if necessary. Consequently, FEA proposes to amend its regulations to authorize specifically a rollback of upper tier price levels, even though it may prove unnecessary to exercise that authority.

FEA would reduce upper tier price levels, rather than both price tiers, partly because actual average upper tier prices have exceeded the original estimated average upper tier levels upon which projections of statutory composite prices were based while actual average lower tier price levels have been less than originally estimated (refer to Tables I and V). In addition, it is believed that reduction of upper tier price levels would contribute less to reduced production than reduction in lower tier prices.

Under the first alternative, FEA would roll back upper tier price levels by an estimated \$1.40 to \$1.60 per barrel ap-

plicable to crude oil produced and sold in December, 1976, and January, 1977, in order to compensate fully by January 31, 1977, for cumulative pricing overages.

Under the second alternative, FEA would continue the present price freeze on both tier levels until December 31, 1976, in order to obtain more complete data revealing pricing trends subsequent to the regulatory changes which, as reviewed in the previous section, were instituted effective September 1, 1976. Effective January 1, 1977, FEA would take whatever compensating action appeared appropriate at that time to achieve compliance with statutory composite requirements not later than July 31, 1976. Although such action could include a rollback of upper tier price levels, it is not anticipated on the basis of current data that such a rollback would exceed 10 to 20 cents per barrel applicable to upper tier crude oil produced and sold during the months of January through July, 1977. If current pricing trends as revealed in Table V continue through December, 1976, as constrained by a continuation of the price freeze until that time, FEA believes that a further extension of the price freeze until July 31, 1977, would be sufficient to fully correct for all crude oil pricing overages.

The third alternative is an outgrowth of the second alternative and depends upon FEA's adoption of the approach of the second alternative. Depending upon data received in December, 1976, FEA would consider submitting to Congress an energy action under section 8(e) of the EPAA which would authorize a one-time increase in the statutory composite price for January, 1977. This adjustment would be sufficient to compensate fully for cumulative excess receipts projected to exist at that time. The current price freeze would continue under this alternative pending congressional review. While this alternative does not require public comment because no regulation amendment is necessary, FEA requests comment on the merits of this alternative and particularly on the question of findings required under section 8(e) (2) of the EPAA.

FEA also requests comments on whether the EPCA offers sufficient flexibility to permit compensating action which extends beyond January 31, 1977, relating to the overages which have accumulated during the first two six-month periods since February, 1976, or whether the EPCA requires that such action be taken sooner.

Section 8(c) of the Emergency Petroleum Allocation Act of 1973, as amended by the EPCA, provides as follows:

(c) (1) Not later than 6 months after the effective date of the amendment promulgated under subsection (a), and not later than every 6 months thereafter, the President shall, on the basis of valid and reliable information (which may include information obtained by a valid and reliable sampling technique) of actual first sale prices of domestic crude oil, determine whether and the extent to which the actual weighted average first sale price for crude oil produced in the United States during any 6-month period or por-

tion thereof for which data are available following the effective date of the amendment promulgated under subsection (a) of this section, exceeded or was less than the maximum weighted average first sale price of such crude oil specified in subsection (a) as may be adjusted pursuant to this section.

(2) If the President finds, pursuant to paragraph (1) of this subsection, that the regulation under section 4(a), as amended, resulted in an actual weighted average first sale price in excess of the maximum weighted average first sale price specified in subsection (a) as adjusted pursuant to this section, he shall amend the regulation to make such compensating adjustments as are necessary to result, in a corresponding period, in an actual weighted average first sale price for domestic crude oil sufficient to offset such excess.

(3) If the President finds, pursuant to paragraph (1) of this subsection, that the regulation under section 4(a), as amended, resulted in an actual weighted average first sale price less than the maximum weighted average first sale price specified in subsection (a) as adjusted pursuant to this section, he may, notwithstanding the requirements of this section pertaining to such maximum weighted average first sale price, amend the regulation to make such compensating adjustments in the regulation as are necessary to offset the deficiency in a corresponding period.

Section 8(c) (2) appears to require that compensating adjustments must be accomplished during the six-month period immediately following any six-month period immediately following any six-month period for which FEA has determined that the actual weighted average first sale price for domestic crude oil exceeded the maximum weighted average first sale price permitted under section 8(a). The statute, however, does not indicate what action, if any, the FEA must take if, after amending the regulations in good faith (based on available data) to compensate fully for excesses that occurred in the immediately preceding six-month period, it discovers (based on more recent data) that such amendment will not fully compensate for such excesses by the end of the following six-month period.

This problem is inherent in the statutory composite price constraint mechanism established in section 8(a) of the EPAA and the data collection process required to assure compliance with the statutory composite price. Because of the three-month lag in collecting and validating data for purposes of determining compliance with the statutory composite price, the ceiling prices set by FEA at the beginning of a six-month period for lower and upper tier crude oils for each month in that six-month period must be estimates made by FEA of what ceiling prices during that six-month period will result in an actual weighted average first sale price for domestic crude oil that does not exceed that statutory maximum weighted average first sale price for domestic crude oil. Compensating adjustments to account for excesses that occurred in the immediately preceding six-month period must, of course, under section 8(c) (2) also be made to the ceiling prices that FEA establishes for lower and upper tier crude oils during each month of the current six-month period.

Furthermore, due to the lag times involved in collecting and validating data, with respect to the last three months of any given six-month period, FEA will never have any final validated data by the end of that six-month period which would enable it to ascertain the extent to which the actual weighted average first sale prices for these months conformed to the statutory maximum weighted average first sale price for those months. With respect to the first three months of any six-month period, FEA will not know whether or the extent to which any corrective action has complied with the statutory composite price for those months until the last three months of that period. The problem is further complicated in this instance because the precise impact of certain congressional and administrative actions taken during the current six-month period (namely, the statutory exemption of stripper well oil and the FEA's redefinition of "property") has not been ascertainable until the last few months of this six-month period. To the extent that the actual impact is now known, it is apparent to FEA that this impact has contributed substantially to the fact that corrective actions taken thus far will not result in full compensation by the end of the current six-month period.

In view of the time lag problems in collecting and validating data in order to determine compliance with the statutory composite price, FEA invites comments on the extent to which overages which became apparent in the last three months of a six-month period should be deemed to result from a failure to compensate fully for overages that occurred during the prior six-month period or should be deemed to result from inaccurate projections and other events occurring during the current six-month period, such as the exemption of stripper well oil and the redefinition of property. For that portion of the actual and projected overages attributable to events and projections occurring during the current six-month period, FEA requests comment whether it may make adjustments for these contributing factors during the next six-month period commencing after January 31, 1977.

FEA believes that Congress intended it to have a degree of flexibility under section 8(c) of the EPAA in order not to frustrate the purposes of the EPCA or the objectives in section 4(b) (1) of the EPAA. The crude oil price adjustment mechanisms established pursuant to the EPCA are not based on constant, unchanging factors but have been subject to various uncertainties and changing conditions, including recent statutory and regulatory amendments which, as previously noted, have had a direct but uncertain effect on actual weighted average price levels.

FEA notes that it took initial corrective action effective July 1, 1976—five months after the February 1 effective date of the regulation amendments promulgated under section 8(a) of the EPAA, as amended—and extended the effectiveness of that corrective action

after a further review of available data effective September 1, 1976. The initial effects of that corrective action and the effects of the statutory and regulatory amendments (previously noted) which became effective on September 1, 1976, were not ascertainable with a sufficient degree of precision until the data shown in Table V became available in late October. Under such changing circumstances and their unpredictable consequences, it would be impossible to take the estimated full compensating action within the two months remaining before January 31, 1977, without imposing a substantial price rollback which could result in significant disruption in production levels and economic distortion.

As previously noted, FEA estimates that a reduction in upper tier price levels of \$1.40 to \$1.60 per barrel effective December 1, 1976, would be required to complete compensating action by January 31, 1977. A price reduction of this magnitude can be expected to result in temporary production declines of uncertain dimensions until higher price levels are resumed in February, 1977. This is a consequence which is contrary to the production-incentive mechanisms built into the FEA regulations and the crude oil pricing policy of the EPCA. It may also contribute to localized shortages and supply disruptions if producers cut back their production during the relatively brief rollback period.

In view of all the foregoing considerations, FEA believes that section 8(c) of the EPAA should be interpreted in a manner which gives FEA the necessary flexibility to fashion a program of compensating actions to correct for crude oil pricing excesses without frustrating the underlying goals and policies contained in the EPCA and the EPAA. Such flexibility is needed (1) to accommodate uncertain data trends (subject to a 60-90 day time lag) resulting from corrective actions effective July 1, 1976, and from significant statutory and regulatory amendments effective September 1, 1976, the precise impact of which was not predictable, and (2) to avoid, if possible, precipitous corrective action which might be detrimental to the aims of the crude oil pricing and allocation programs. FEA is also concerned that any interpretation of section 8(c) of the EPAA which is adopted should, to the maximum extent allowed by law, avoid setting a precedent which would impose undue restrictions on future actions by FEA in carrying out the mandates of the EPCA crude oil pricing policy.

FEA therefore proposes to amend its regulations in a manner which permits FEA to adopt either of the first two alternatives proposed (the third alternative does not require regulation amendment). Comment on FEA's analysis of section 8(c) of the EPAA, as well as the merits of the alternative proposals, is requested.

Section 212.77 of FEA's price regulations provides rules and procedures for crude oil price adjustments. The procedures in paragraph (b) of § 212.77 currently provide that FEA may issue price adjustment schedules which review lower

and upper tier price ceilings as necessary "to reflect changes in the rate of inflation; to make compensating adjustments when the weighted average first sale price actually charged is found to have exceeded, or is found to have fallen short of, the maximum weighted average first sale price permitted under the Act; and otherwise to achieve compliance with the Act." However, paragraph (c) of § 212.77, which provides rules for application of price adjustments to take into account the impact of inflation and to provide a production incentive, provides (subject to certain technical exceptions) for application of such price adjustments equally to the lower and upper tier ceiling price. In order to make it clear that FEA's authority to make compensating adjustments to achieve compliance with section 8(c) of the EPAA includes the authority to require price reductions, and that FEA may require reduction of upper tier price ceilings only if necessary to achieve compliance with section 8(c) of the EPAA, it is proposed to redesignate the text of § 212.77(c) as subparagraph (1) and to add a subparagraph (2) which provides that FEA may issue price adjustments schedules which restrict further price adjustments or require reductions in ceiling prices, notwithstanding § 212.77(c) (1).

Although none of the proposed alternatives contemplates reduction of lower tier price levels, the proposed § 212.77(c) (2) would permit reduction of either lower or upper tier price ceilings, or both, if deemed necessary by FEA to achieve compliance with section 8(c) of the EPAA. FEA believes that its authority to make necessary compensating adjustments should be unrestricted except as provided by statute.

It is also proposed to make conforming changes to § 212.77(a), including deletion of the three percent restriction relating to price adjustments to provide a production incentive in view of the elimination of this restriction by the EPCA.

E. Comment Procedures. Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box JO, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Proposals for Corrective Action to Achieve Compliance with Crude Oil Composite Price Ceilings." Fifteen copies should be submitted. All comments received by Monday, November 29, 1976, before noon, will be considered by the Federal Energy Administration before final action is taken on the proposals set forth in this notice.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination. The public hearing in this pro-

ceeding will be held at 9:30 a.m., on Monday, November 29, 1976, and will be continued, if necessary, on Tuesday, November 30, 1976, in Room 2105, 2000 M Street, NW., Washington, D.C., 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., on Monday, November 22, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Friday, November 26, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Tuesday, November 23, 1976 and must submit 100 copies of his statement to FEA Regulatory Programs, Room 2214, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., on Friday, November 26, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., Friday, November 26, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time

limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

F. Other Matters. Section 7(c)(1) of the Federal Energy Administration Act of 1974, as amended ("FEAA") provides that FEA shall, before promulgating proposed regulations affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency may provide written comments concerning the impact of such regulations on the quality of the environment. Such comments are required to be published concurrently with or as part of the notice of proposed rulemaking.

Under section 7(c)(2) of the FEAA, the prior review required by section 7(c)(1) may be waived for a period of 14 days if there is an emergency situation which requires taking action at a date earlier than would permit the EPA the five-day opportunity for prior comment required under section 7(c)(1). Notice of any such waiver must be given to the EPA and filed with the Federal Register with the notice of proposed or final FEA action and must include an explanation of the reasons for such waiver together with supporting data and factual background information.

Pursuant to section 7(c)(2) of the FEAA, FEA hereby waives the requirements of section 7(c)(1) of the FEAA concerning prior review by EPA of the environmental impact of this proposed rulemaking. This waiver is based on an emergency situation which, as explained in Sections B, C, and D, above, may result in adoption by FEA of that alternative proposal which would require reductions in upper tier price levels effective December 1, 1976, so that compensating adjustments to crude oil prices can be completed prior to January 31, 1977. Review by EPA prior to issuance of this notice of

proposed rulemaking would not permit the minimum of 10 days for public comment following publication of this notice as required by section 7(1)(B) before December 1, 1976. Therefore, in order to permit timely consideration by FEA of this alternative, FEA will seek to obtain EPA comment subsequent to the issuance of this notice and prior to taking final action in this matter.

Based on the fact that today's proposed regulation amendments would not authorize price increases but would result in price reductions or further deferral of crude oil price increases in order to comply with statutory pricing limitations, FEA has tentatively determined that with respect to these proposed amendments this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107. FEA will further review this matter in light of comments received and issue a final determination with the notice of final rulemaking. With respect to the alternative proposal to consider submitting an energy action to Congress in January, 1977, FEA will review inflationary impact requirements based on crude oil data received in December, 1976, if this alternative is eventually adopted by FEA.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-39, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II of Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., November 16, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 212.77 (a) and (c) are revised to read as follows:

§ 212.77 Adjustments to ceiling prices.

(a) *Rule.* Notwithstanding any other provision of this Part, the FEA may, with respect to months commencing after February 29, 1976, provide for adjustments to the ceiling prices established under §§ 212.73 and 212.74 to take into account the impact of inflation, pro-

vide a production incentive, and otherwise to achieve compliance with the Act. The adjustment to reflect the impact of inflation shall be measured by the first revision of the quarterly percentage change, seasonally adjusted at annual rates, of the most recent price deflator for the gross national product, except that the combined effect of the adjustment to take into account the impact of inflation and to provide a production incentive may not result in an increase in the maximum weighted average first sale price (as defined in section 8(a) of the Act) in excess of 10 percent per year.

(c) *Application of price adjustments.*

(1) Price adjustment schedules issued pursuant to paragraph (b) of this section shall reflect application of the price adjustment to take into account the impact of inflation and to provide a production incentive in the following manner. The combined percentage price adjustment to reflect the production incentive and the impact of inflation shall be applied in the same amount to adjust the lower and upper tier ceiling price. To the extent that the full amount of the combined percentage price adjustment cannot be so applied, due to the limitations of section 8(a) of the Act, the available combined percentage price adjustment shall be applied in the same amount to adjust the lower and the upper tier ceiling price until only the percentage price adjustment to reflect the impact of inflation remains to be applied. Thereafter, the full percentage price adjustment to reflect the impact of inflation shall continue to be applied to adjust the upper tier ceiling price, and the portion of the percentage price adjustment to reflect the impact of inflation which remains, if any, shall be applied to adjust the lower tier ceiling price; except that in no event shall the weighted average lower tier ceiling price be reduced pursuant to this sentence below the highest level reached through application of price adjustments pursuant to this paragraph.

(2) Notwithstanding paragraph (c)

(1) of this section, FEA may issue price adjustment schedules pursuant to paragraph (b) of this section which, to the extent deemed necessary by the FEA to achieve compliance with the Act, restrict further price adjustments or require reductions in ceiling prices.

[FR Doc. 76-34124 Filed 11-16-76; 3:00 pm]

THURSDAY, NOVEMBER 18, 1976



PART V:

**THE PRESIDENT
and
OFFICE OF THE
SPECIAL
REPRESENTATIVE
FOR TRADE
NEGOTIATIONS**

**ALLOY TOOL
STEEL IMPORTS**

Presidential Proclamation and Notice
on Modification of Limitations

Title 3—The President

Proclamation 4477

November 16, 1976

Modification of Temporary Quantitative Limitations on the Importation into the United States of Certain Articles of Alloy Tool Steel

By the President of the United States

A Proclamation

1. On January 16, 1976, the United States International Trade Commission (USITC) reported to the President the results of its investigation under section 201(b) of the Trade Act of 1974 (19 U.S.C. 2251(b)) (the Trade Act). The USITC determined that certain articles of stainless steel or alloy tool steel provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 of the Tariff Schedules of the United States (TSUS) were being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry or industries producing articles like or directly competitive with the imported articles.

2. An orderly marketing agreement was concluded on June 11, 1976, between the Government of the United States of America and the Government of Japan, limiting the export from Japan and the import into the United States of certain articles of stainless steel (except razor blade steel) or alloy tool steel provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 of the TSUS.

3. On June 11, 1976, by Proclamation 4445, I proclaimed, pursuant to the Constitution and the statutes of the United States (including section 203 of the Trade Act), the imposition of temporary quantitative limitations on the importation into the United States of certain articles of stainless steel or alloy tool steel. These limitations were effective as to those articles entered, or withdrawn from warehouse, for consumption on or after June 14, 1976, and are to continue for a period of three years from that date unless earlier modified, or terminated.

4. Alloy "tool steel", as that term is defined in statistical headnote 1(a) of subpart B, part 2, schedule 6 of the TSUS, was included in the finding of the USITC. Steel, so defined, was made subject to the quantitative limitations established by Proclamation 4445, in item 923.24. Subsequent to the issuance of that proclamation I have ascertained that certain alloy tool steel having a chemical composition within the specifications of new headnote 2(a) (iv) proclaimed in paragraph A(iii) below had not either consistently or substantially been historically reported in import statistics as alloy tool steel prior to June 14, 1976. Therefore, the statistics used as a basis for establishing the quantitative limitations for item 923.24 are inaccurate, and the quota quantity provided for that category is substantially understated.

THE PRESIDENT

5. Section 203(d)(2) of the Trade Act (19 U.S.C. 2253(d)(2)) requires that any quantitative restriction proclaimed pursuant to section 203 subsection (a) or (c), and any marketing agreement negotiated pursuant to subsection (a), shall "permit the importation of a quantity or value of the article which is not less than the quantity or value of such article imported into the United States during the most recent period which the President determines is representative of imports of such article". Based on data that was not available on June 11, 1976, I have determined that the inclusion of the steel described in new headnote 2(a)(iv) proclaimed below in the quantitative limitation for item 923.24 would result in the importation of a quantity or value of specialty steel into the United States which is less than that quantity or value imported into the United States during the most recent period determined by me in recital 6 of the Proclamation 4445 to be representative of imports of alloy tool steel.

6. In order to provide appropriate quantitative limitations in accordance with the statutory requirements referred to in recital 5 above, I have determined to delete item 923.24 and to include alloy tool steel formerly provided for in item 923.24 separately in new items 923.25 and 923.26, and to proclaim separate quantitative limitations for imports included in each new item.

THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States of America, including section 203 of the Trade Act (19 U.S.C. 2253), do hereby proclaim, until the President otherwise proclaims or until otherwise superseded by law that:

A. Subpart A, part 2, of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified as follows:

(i) by deleting "923.24" from the first sentence of headnote 2 and substituting "923.26" in lieu thereof.

(ii) by deleting "923.24" from headnote 2(a)(iii) and substituting "923.25 and 923.26" in lieu thereof.

(iii) by renumbering paragraph (a)(iv) of headnote 2 thereof (a)(v) and inserting the following new paragraph (a)(iv) in numerical sequence:

"(iv) The alloy tool steel provided for in item 923.25 is limited to alloy tool steel of the types provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08, which contain, in addition to iron, each of the following elements by weight in the amounts specified:

carbon: not less than 0.95 nor more than 1.13 percent;
manganese: not less than 0.22 nor more than 0.48 percent;
sulfur: none, or not more than 0.03 percent;
phosphorus: none, or not more than 0.03 percent;
silicon: not less than 0.18 nor more than 0.37 percent;
chromium: not less than 1.25 nor more than 1.65 percent;
nickel: none, or not more than 0.28 percent;
copper: none, or not more than 0.38 percent;
molybdenum: none, or not more than 0.09 percent.

(iv) by deleting "923.24" from headnote 2(b) and substituting "923.26" in lieu thereof.

(v) (a) by adding the following sentence after the second sentence to headnote 2(f):

"With respect to item 923.25 there is no limitation specified for the increase permitted in any quota quantity but any establishment or increase in a base limit for item 923.25 must be accompanied by an equal tonnage reduction in the quota quantity from Japan for one or more of the other items during the same restraint period."

(b) by deleting "923.24" from the tabulation in headnote 2(f) and substituting "923.26" in lieu thereof; and

(c) by inserting the following in the tabulation to headnote 2(f) in numerical sequence:

Restraint Periods						
Item	June 14, 1976-June 13, 1977		June 14, 1977-June 13, 1978		June 14, 1978-June 13, 1979	
	Base limit (1,000 s. tons)	Maximum increase (percent)	Base limit (1,000 s. tons)	Maximum increase (percent)	Base limit (1,000 s. tons)	Maximum increase (percent)
923.25	19.8	No limitation	22.0	No limitation	21.3	No limitation

(vi) by deleting item 923.24 and substituting in lieu thereof the following:

Item	Articles	Quota Quantity (in short tons)		
		Effective on or after—		
		June 14, 1976	June 14, 1977	June 14, 1978
923.25	Alloy tool steel of the types provided for in items 608.52, 608.70, 608.78, 608.85, 608.88, 609.03, 609.07, and 609.08:			
	Alloy tool steel within the specifications of headnote 2(a)(iv):			
	Japan	10,500	22,000	21,500
	European Economic Community	3,500	3,500	3,500
	Canada	6	6	6
	Sweden	7,000	8,000	8,000
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	50	50	50
	Other (total)	None	None	None
	Other (see headnote 2(a)(iii)):			
923.26	Japan	3,500	3,700	3,800
	European Economic Community	3,400	3,500	3,600
	Canada	1,000	2,000	2,000
	Sweden	8,000	8,000	8,700
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	3,000	3,700	3,800
	Other (total)	0	0	0

B. The modifications of subpart A, part 2 of the Appendix to the TSUS, made by this proclamation, shall be effective on the third day after the date of publication of this proclamation in the FEDERAL REGISTER as to articles entered, or withdrawn from warehouse, for consumption on and after June 14, 1976.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-34295 Filed 11-16-76;4:31 nm]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

CERTAIN ALLOY TOOL STEEL QUANTITATIVE LIMITATIONS

Modification

By Proclamation 4445 of June 11, 1976 (41 FR 24101, June 15, 1976), temporary quantitative limitations were placed on the importation into the United States of certain articles of stainless or alloy tool steel. The Proclamation, *inter alia*, implements an agreement entered into on June 11, 1976 between the Government of the United States and the Government of Japan concerning the importation into the United States of such steel articles.

Under paragraph (5) of the proclamation, the Special Representative is directed to perform such functions for the United States as may be necessary concerning the administration, implementation, modification, amendment, or termination of the agreement with the Government of Japan. The Special Representative is also authorized to make changes in the Tariff Schedules of the United States (TSUS) as may be necessary to carry out the agreement. Pursuant to Proclamation 4445 three separate modifications to the quantitative limitations on certain articles of alloy tool steel were made by FEDERAL REGISTER notices. First, agreement was reached with the Government of Japan that the 60 percent limitation contained in paragraph 1(d) of the Notes exchanged on June 11, 1976, would not apply to imports of alloy tool steel from Japan during the restraint period June 14, 1976 to June 13, 1977. Pursuant to that agreement, paragraph (b) of headnote 2, Subpart A, part 2 of the Appendix to the TSUS (19 U.S.C. 1202) was modified by adding at the end thereof the following: "This paragraph shall not apply with respect to articles provided for in item 923.24, the product of Japan, entered during the restraint period beginning June 14, 1976 and ending at the close of June 13, 1977". This modification was made effective on September 17, 1976 (See FEDERAL REGISTER notice of Tuesday, September 14, 1976, 41 FR 39116). Second, under paragraph 3 of the Notes constituting the agreement, and Annex C thereto, a one percent limit was placed on the maximum increase in the amount of alloy tool steel (TSUS item 923.24) which could be imported from Japan in excess of the specified base limit (3500 short tons) for the period June 14, 1976 through June 13, 1977. Agreement was reached with the Government of Japan which would change the maximum increase allowable for the base limit for this category to 100 percent for the restraint period (June 14, 1976-June 13, 1977). Accordingly, paragraph (f) of headnote 2, Subpart A, part 2 of the Appendix to the TSUS (19 U.S.C. 1202), was modified with respect to item number 923.24 for the restraint period June 14, 1976-June 13, 1977, by changing the percentage in the column headed "Maximum Increase" from "1" to "100". This modification was made effective on September 30, 1976 (See FEDERAL REGISTER notice of Thursday, September 30, 1976, 41 FR 43261). Third, pursuant to paragraph 3 and Annex C of the agreement with the Government of Japan, the Government of Japan notified the United States that the base limit for alloy tool steel may be exceeded by 3500 short tons. Consistent with the agreement and pursuant to paragraph (f) of Subpart A, part 2 of the Appendix to the TSUS, an equal tonnage reduction in the quota quantity from Japan for one or more other items during the same restraint period was required. This reduction was made in the quota quantity for imports of stainless steel sheet and strip from Japan.

Accordingly, pursuant to paragraph (5) of Proclamation 4445, of June 11, 1976, and paragraph (f) of headnote 2, Subpart A, part 2 of the Appendix to the TSUS, Subpart A, part 2 of the Appendix to the TSUS was modified with respect to the quota quantities which may be entered from Japan for items 923.20 and 923.24 for the quota period June 14, 1976-June 13, 1977, as follows: (1) With respect to item 923.20, by changing the number in the column headed "Quota Quantity (in short tons), June 14, 1976", from "38,600" to "35,100"; and (2) with respect to item 923.24, by changing the number in the column headed "Quota Quantity (in short tons), June 14, 1976", from "3,500" to "7,000". This modification was made effective on October 1, 1976 (See FEDERAL REGISTER notice of Friday, October 1, 1976, 41 FR 43484).

Proclamation 4477 of November 16, 1976, obviates the need for the above-mentioned modifications. In view of this fact, agreement has been reached with the Government of Japan to (1) rescind the above-mentioned suspension of the 60 percent limitation, (2) rescind the above-mentioned modification to the maximum allowable percentage increase in the base limit for item 923.24, (3) provide that no maximum increase limitation would be applicable for the category of steel described by item 923.25 nor would steel provided for in that item be available for offsetting reductions in order to increase other categories as set forth in the table in headnote 2(f), and (4) restore the quota quantity for the sheet and strip category (item 923.20) to the original level. Accordingly, pursuant to paragraph (5) of Proclamation 4445, of June 11, 1976, Subpart A, part 2 of the Appendix to the TSUS is modified as follows:

- (1) Paragraph (b) of headnote 2 is modified by deleting the second sentence;
- (2) The second sentence of paragraph (f) of headnote 2 is modified by inserting after the words "the other items" the following: "set forth in the table below (items 923.20, 923.21, 923.22, 923.23 or 923.26)";
- (3) Paragraph (f) of headnote 2 is modified with respect to item 923.26 (formerly item 923.24) for the restraint period June 14, 1976-June 13, 1977, by changing the percentage in the column headed "Maximum Increase" from "100" to "1";
- (4) With respect to item 923.20, by changing the number in the column headed "Quota Quantity (in short tons), June 14, 1976", from "35,100" to "38,600".

These modifications will be effective on November 21, 1976.

ALAN WM. WOLFF,
General Counsel.

[FR Doc. 76-34296 Filed 11-16-76;4:32 pm]

federal register

THURSDAY, NOVEMBER 18, 1976



PART VI:

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

■
PROCUREMENT LIST 1977

Establishment

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SE- VERELY HANDICAPPED

PROCUREMENT LIST 1977

Establishment

The Committee for Purchase from the Blind and Other Severely Handicapped was established by Pub. L. 92-28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46-48) (hereinafter the Act) for the purpose of directing the procurement of selected commodities and services by the Federal Government to qualified workshops serving blind and other severely handicapped individuals with the objective of increasing the employment opportunities for these individuals. The Committee is required to establish and publish in the FEDERAL REGISTER a procurement list of:

(1) Commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and

(2) The services provided by any such agency which the Committee determines are suitable for procurement by the Government pursuant to the Act.

The Act further provides that any entity of the Government which intends to procure any commodity or service on the procurement list, shall procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such agency for the other severely handicapped if the commodity or service is available within the normal period required by that Government entity. However, this requirement shall not apply to the procurement of any commodity which is available from Federal Prison Industries, Inc.

A Government entity is defined as any entity of the legislative branch or judicial branch, any executive agency or military department (as such agency and department are respectively defined by sections 102 and 105 of title 5, United

States Code), the U.S. Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.

Notice is hereby given pursuant to section 2 of the Act that Procurement List 1977 is established as set forth below. Procurement List 1977 supersedes Procurement List 1976, November 25, 1975 (40 FR 54742) and subsequent changes thereto through November 5, 1976.

Any proposed additions or deletions to Procurement List 1976 pending on this date shall be considered as pending and applicable to Procurement List 1977.

By the Committee.

C. W. FLETCHER,
Executive Director.

ASSIGNMENT CODES

Central nonprofit agency:	Code
National Industries for the Blind.	IB
National Industries for the Severely Handicapped.	SH

CLASS 1005

Sling, Adjustable, Small Arms (IB)
1005-00-167-4336

CLASS 1095

Scabbard, Bayonet-Knife (IB)
1095-00-508-0339

CLASS 1430

Circuit Card, Assembly (SH)
1430-00-409-7997
1430-00-471-5375

CLASS 1560

Wire Bundle Assemblies (SH)
1560-00-881-4215
1560-00-894-3991
1560-00-884-0409
1560-00-934-0924
1560-00-919-3706
1560-00-883-4487
1560-00-222-3876

CLASS 1730

Chock Assembly, Wheel (IB)
Unpainted

1730-00-294-3694
1730-00-063-4095
1730-00-294-3696
1730-00-294-3695
1730-00-945-8450

Painted

1730-00-294-3694
1730-00-063-4095
1730-00-294-3696
1730-00-294-3695
1730-00-945-8450
Cordit reflecting
1730-00-294-3694
1730-00-063-4095
1730-00-294-3696
1730-00-294-3695
1730-00-945-8450

CLASS 2540

Belt, Automobile, Safety (IB)
2540-00-894-1273
2540-00-894-1275
2540-00-894-1274
2540-00-894-1276

CLASS 3510

Net, Laundry (IB)
3510-00-273-9738
3510-00-273-9739

CLASS 3990

Cap, Wood (SH)
3990-00-366-6824

Pallet, Material Handling (SH)
3990-00-935-7960

Pallet, Wood (SH)
3990-00-366-6806
3990-00-366-6821

Skid, Wood (SH)
3990-00-366-6810
3990-00-366-6814
3990-00-366-6815
3990-00-366-6816
3990-00-366-6817
3990-00-366-6819
3990-00-366-6820

CLASS 4910

Creeper, Mechanic's (SH)
4910-00-251-6981

CLASS 5140

Bag, Tool (IB)
5140-00-772-4142

CLASS 5440

Stepladder (IB)
5440-00-514-4483
5440-00-514-4485
5440-00-514-4487

Note: IB will furnish requirements
for GSA Regions 8, 9, and 10
only.

CLASS 5510

Stakes, Wood (SH)
Location Stakes
5510-00-171-7701
5510-00-171-7700
5510-00-171-7734
Hub Stakes
5510-00-171-7733
5510-00-171-7732

Wedge, Wood (SH)
5510-00-640-9237

CLASS 5660

Fencing, Wire & Wood Picket (SH)
5660-00-257-3860

CLASS 6230

Light, Desk (SH)
6230-00-299-7771 Regions 2,3,4,5,7,9
6230-00-682-3423 Regions 2,3,5,7,9

Light, Marker, Distress (SH)

6230-00-067-5209
(with pouch)

1 - 1499
1500 - 4999
5M - 9999
10M - 19999
20M +

6230-00-938-1778
(without pouch)

1 - 1499
1500 - 4999
5M - 9999
10M - 19999
20M +

CLASS 6505

Ammonia Inhalant Solution,
Aromatic (SH)
6505-00-106-0875

Iodine Ampoules, NF (SH)
6505-00-664-1408

Thimerosal Tincture, NF (SH)
6505-00-664-6911

CLASS 6515

Kit, Shaving, Surgical
Preparation (IB)
6515-00-676-7372

Tourniquet, Non-Pneumatic (IB)
6515-00-383-0565

CLASS 6530

Urinal, Incontinent (IB)
6530-00-512101
6530-00-290-8292

Cover, Litter (IB)
6530-00-784-1035
6530-00-784-1250

Drape, Surgical (IB)
6530-00-299-9608
6530-00-299-9607
6530-00-299-9605
6530-00-299-9604

Strap, Webbing, Patient
Securing (IB)
6530-00-784-4205

Surgical Pack, Disposable,
Pre-Operative (IB)
6530-00-103-6659

Wrapper, Sterilization (IB)
6530-00-299-9603,
6530-00-719-0000
6530-00-299-9602
6530-00-719-0030
6530-00-299-9601
6530-00-719-0035
6530-00-299-9600
6530-00-719-0040
6530-00-299-9599
6530-00-719-0045
6530-00-850-8613
6530-00-197-9223
6530-00-197-9228
6530-00-197-9283
6530-00-926-4902
6530-00-926-4903
6530-00-926-4904
6530-00-926-4905

CLASS 6532

Cap, Operating, Surgical (IB)
6532-00-299-9614
6532-00-299-9613
6532-00-299-9612
6532-00-543-7378
Cap, Operating, Surgical (SH)
6532-00-250-5042
6532-00-083-6545
6532-00-250-5041
6532-00-122-0468

Clothing, Operating Room (SH)
6532-00-261-9005
6532-00-290-1887
6532-00-172-3509
6532-00-172-3507
6532-00-172-3506
6532-00-158-9890
6532-00-009-7174

Dress, Operating, Surgical (SH)
6532-00-149-0464
6532-00-149-0465
6532-00-149-0466
6532-00-149-0467
6532-00-149-0472
6532-00-149-0473

Gown, Hospital, Patient's
Bedshirt (SH)
6532-00-410951
6532-00-410976

Gown, Operating, Surgical (SH)
6532-00-009-2034
6532-00-009-2035

Pillowcase, Disposable (IB)
6532-00-634-9828

Robe, Dressing, Nomex (SH)
6532-00-003-3057
6532-00-006-3482

Shirt, Operating, Surgical (SH)
6532-00-149-0322
6532-00-149-0323
6532-00-149-0324
6532-00-149-0325

Smock, Man's Dental Operating (SH)
6532-00-159-4881
6532-00-926-9964
6532-00-926-9975
6532-00-926-9976

Suit, Convalescent (SH)
6532-00-512167
6532-00-512168
6532-00-512170
6532-00-512171

Trousers, Operating, Surgical (SH)

6532-00-149-0327
6532-00-149-0328
6532-00-149-0329
6532-00-149-0330

CLASS 6540

Case, Spectacle (IB)
6540-00-735-5157

CLASS 6625

Test Set, Lead (SH)
6625-00-553-1442

CLASS 6695

Kit, Spectro Oil Analysis (IB)
6695-00-925-2982

Sampler-Spectro, Analysis Oil Kit (IB)

6695-00-758-1355

Class 6840

Disinfectant, Detergent (IB)
6840-00-687-7904
6840-00-584-3129
6840-00-551-8346

Circuit Card Assembly (SH)

6920-00-482-8335

CLASS 7105

Frame, Picture (SH)

7105-00-053-0170
7105-00-061-5834
7105-00-052-8697
7105-00-052-8695

CLASS 7110

Blackboard (SH)

7110-00-132-6651
7110-00-843-7916 (Procurement from SH is
limited to 60% of the
Govt's annual require-
ment)

Bookcase, Wood, Executive (SH)

7110-00-290-0368
7110-00-973-5127

CLASS 7195

Bulletin Board (IB)

7195-00-989-2370 7195-00-844-9036
7195-00-989-2371 7195-00-844-9037
7195-00-989-2372 7195-00-844-9038
7195-00-990-0615 7195-00-843-7938

Costumer, Wood, Executive (SH)

7195-00-132-6642

CLASS 7210

Bedspread (IB)

7210-00-728-0186
7210-00-728-0187
7210-00-728-0188
7210-00-728-0189
7210-00-728-0190

Bedspread (IB) Cont'd

7210-00-728-0191
7210-00-728-0173
7210-00-728-0175
7210-00-728-0176
7210-00-728-0177
7210-00-728-0178
7210-00-728-0179
7210-00-408-2800

Bedspring (IB)

7210-00-582-7540
7210-00-582-0984
7210-00-110-8104
7210-00-582-7541
7210-00-110-8105
7210-00-559-5085
7210-00-559-6025

Cover, Mattress (IB)

7210-00-291-8419
7210-00-205-3083
7210-00-205-3082
7210-00-067-7969
7210-00-998-7745
7210-00-883-8492
7210-00-883-8492 GFM
7210-00-171-1091
7210-00-935-6619
7210-00-230-1041
7210-00-241-9718

Mattress, Cotton-Felt (IB)

7210-00-139-6517
7210-00-139-6555
7210-00-139-6538
7210-00-139-6517 GFM
7210-00-139-6555 GFM
7210-00-139-6538 GFM

Mattress, Innerspring (IB)

7210-00-205-3585
7210-00-139-6424
7210-00-716-0706
7210-00-139-6411
7210-00-205-3534
7210-00-139-6434
7210-00-139-6428
7210-00-110-8102
7210-00-110-8103

Mattress

Innerspring, Plastic-Coated (IB)

7210-00-995-1093
7210-00-682-7146

Mattress, Foam (IB)

7210-00-682-6503
7210-00-682-6504

Pad, Mattress (IB)

7210-00-227-1526
7210-00-753-3042

Pillow, Bed (IB)
7210-00-619-8262
7210-00-894-1144

Pillow, Passenger, Headrest (IB)
7210-00-682-6601

Pillowcase (IB)
7210-00-299-9609
7210-00-170-5478
7210-00-171-1100
7210-00-205-3101
7210-00-716-9000
7210-00-761-1472
7210-00-054-7910
7210-00-259-9005
7210-00-259-9006
7210-00-119-7356
7210-00-231-2373
7210-00-259-9004
7210-00-259-8897
7210-00-081-1380

Protector, Hospital Bed,
Mattress (IB)
7210-00-761-1471
7210-00-761-1470

Protector, Hospital Bed, Pillow (IB)
7210-00-958-9118

Sheet, Crib (IB)
7210-00-717-0000

Washcloth (IB)
7210-00-060-6008
7210-00-082-2065

CLASS 7220
Mat, Floor (IB)
7220-00-205-3099
7220-00-224-6491
7220-00-205-3100
7220-00-224-6489
7220-00-205-2807
7220-00-205-2808
7220-00-224-6490
7220-00-224-6487
7220-00-238-8852
7220-00-224-6488
7220-00-224-6486
7220-00-205-2805
7220-00-238-8854
7220-00-205-2806

Mat, Floor (SH)
7220-00-205-3192
7220-00-205-3182

Door Mat (IB)
7220-00-165-7020

CLASS 7230
Curtain, Shower, (IB)
7230-00-205-1762
7230-00-247-1280

CLASS 7290
Cover, Ironing Board (IB)
7290-00-130-3271

CLASS 7330
Pad, Bakery (IB)
7330-00-379-4439
Note. IB will furnish require-
ments for GSA Regions 5
and 8 only

Tongs, Food Serving (SH)
7330-00-616-0997
7330-00-616-0998
7330-00-616-1000

CLASS 7360
Dining Packet, Inflight (IB)
7360-00-660-0526

Flatware Set, Plastic (IB)
7360-00-634-4800

CLASS 7430
Cover, Typewriter (SH)
7430-00-823-8080
7430-00-823-8081
7430-00-823-8082
7430-00-823-8083
7430-00-823-8084
7430-00-823-8085
7430-00-823-8090
7430-00-823-8086
7430-00-823-8087

CLASS 7510
Binder, Awards Certificate (IB)
7510-00-115-3250
Note. Procurement from IB is
limited to 60% of the Govt's
requirements

7510-00-482-2994

Binder, Looseleaf (IB)
7510-00-281-4309
7510-00-281-4314
7510-00-582-4201
7510-00-281-4310
7510-00-281-4311
7510-00-281-4313
7510-00-281-4315
7510-00-286-7792
7510-00-286-7794
7510-00-582-5488
7510-00-286-7791
7510-00-582-3807
7510-00-782-2663
7510-00-782-2664

Binder, Note Pad (IB)
7510-00-286-6954
7510-00-145-0296
7510-00-728-8060

Calendar Pad (SH)
7510-00-405-9306 (1977)
7510-01-022-4974 (1978)

Clip, Paper (SH)
7510-00-161-4292

Eraser, Mechanical (IB)
7510-00-865-5292
7510-00-082-2665

Pad, Typewriter (IB)
7510-00-257-2576
7510-00-530-6412
7510-00-849-1137

Pencil (IB)
7510-00-286-5757
7510-00-281-5234
7510-00-281-5235

Pencil, Woodcased, with
Imprinting (IB)
RAD# 599-0395 -- old
RAD# 699-0728 -- new

Portfolio (IB)
7510-00-558-1572
7510-00-616-7241
7510-00-551-9813
7510-00-558-1573
7510-00-616-7239
7510-00-558-1571
7510-00-995-4856
7510-00-995-4857
7510-00-995-4854
7510-00-995-4852
7510-00-995-4853
7510-00-995-4850

Refill, Ballpoint Pen (IB)
7510-00-543-6792
7510-00-543-6793
7510-00-754-2687
7510-00-543-6795
7510-00-754-2688
7510-00-754-2689
7510-00-754-2690
7510-00-754-2691

Refill, List Finder,
Automatic (SH)
7510-00-285-2800
7510-00-530-7191

CLASS 7520
Arch Board File (IB)
7520-00-281-4848
7520-00-240-5498
7520-00-191-1074
7520-00-191-1075
7520-00-281-4845
7520-00-255-7081

Ballpoint Pen (IB)
7520-00-935-7136
7520-00-935-7135
7520-00-664-5198
7520-00-664-5200
7520-00-663-0059
7520-00-664-5197
7520-00-298-7045
7520-00-754-2516
7520-00-298-7046
7520-00-754-2517
7520-00-543-7149

Ballpoint Pen, with
Imprinting (IB)
RAD-19019
RAD-19022

Book Ends (IB)
7520-00-264-5479

Box, Filing (SH)
7520-00-285-3147
7520-00-285-3143

7520-00-285-3144
7520-00-285-3145
7520-00-285-3146
7520-00-285-3148

Case, Maintenance and
Operational Manuals (IB)
7520-00-559-9618

Clipboard, File (IB)
7520-00-281-5918
7520-00-254-4610
7520-00-240-5503
7520-00-274-5496
7520-00-281-5892

Easel, Display & Training (IB)
7520-00-579-7013

Holder, Desk Memorandum (IB)
7520-00-139-3802
7520-00-290-6445

Marker, Tube Type (IB)
7520-00-973-1059
7520-00-973-1060
7520-00-079-0285
7520-00-973-1061
7520-00-079-0286
7520-00-079-0287
7520-00-973-1062
7520-00-079-0288
7520-00-558-1501
7520-00-904-1265
7520-00-904-1268
7520-00-935-0979
7520-00-904-1267
7520-00-935-0981
7520-00-935-0982
7520-00-904-1266

Marker, Tube Type (IB) cont'd

7520-00-935-0980
 7520-00-051-5031
 7520-00-051-5035
 7520-00-116-2888
 7520-00-051-5036
 7520-00-116-2886
 7520-00-116-2889
 7520-00-051-5033
 7520-00-116-2887
 7520-00-904-4476

Pencil, Mechanical (IB)

7520-00-223-6672
 7520-00-223-6673
 7520-00-223-6674
 7520-00-268-9913
 7520-00-223-6675
 7520-00-223-6676
 7520-00-268-9912
 7520-00-577-4570
 7520-00-285-5826
 7520-00-285-5822
 7520-00-285-5823
 7520-00-205-1645
 7520-00-285-5817
 7520-00-161-5664
 7520-00-164-8950
 7520-00-268-9915
 7520-00-285-5818
 7520-00-268-9916
 7520-00-634-3475
 7520-00-724-5606

Perforator, Paper, Desk (SH)

7520-00-139-4101
 7520-00-263-3425

Pen Set, Desk (IB)

7520-00-106-9840

Stand, Calendar Pad (IB)

7520-00-162-6153
 7520-00-139-4341

Tray, Desk (SH)

7520-00-232-6828
 7520-00-286-5801
 7520-00-285-5043

Trimmer, Paper (IB)

7520-00-224-7621
 7520-00-282-2137

CLASS 7530

Card, Guide, File (IB)

7530-00-989-0184
 7530-00-989-2425
 7530-00-988-6541
 7530-00-988-6542
 7530-00-988-6543
 7530-00-988-6549
 7530-00-988-6550
 7530-00-988-6551
 7530-00-988-6544
 7530-00-988-6545

Card, Guide, File (IB) cont'd

7530-00-988-6546
 7530-00-988-6547
 7530-00-988-6548
 7530-00-988-6515
 7530-00-988-6516
 7530-00-988-6520
 7530-00-988-6521
 7530-00-988-6517
 7530-00-988-6518
 7530-00-988-6522

Card Set, Guide, File (IB)

7530-00-989-0698
 7530-00-989-0697
 7530-00-989-0683
 7530-00-082-2635
 7530-00-989-0684
 7530-00-989-0686
 7530-00-989-0692
 7530-00-989-0694
 7530-00-989-0693
 7530-00-989-0695

Folder, File, Military
 Personnel Records Jacket
 (IB)

DA Form 201

Folder, File (IB)

7530-00-889-3555
 7530-00-559-4512
 7530-00-281-5907
 7530-00-281-5908
 7530-00-926-8978
 7530-00-273-9845
 7530-00-926-8980
 7530-00-286-6924

Folder Set, File (IB)

7530-00-281-5905
 7530-00-286-6923

Notebook, Stenographer's (IB)

7530-00-223-7939

Pad, Writing Paper (IB)

IB will provide requirements for
 GSA regions shown in parentheses

7530-00-285-3090 (1,5,6)
 7530-00-239-8479 (1,2,4,5,6,7,8)
 7530-00-285-3088 (1,2,3,4,5,6,7,8)
 7530-00-285-3083 (1,3[Franconia depot only]
 5,6,7,8)
 7530-00-285-3090 GFM (1,5,6)
 7530-00-239-8479 GFM (1,2,4,5,6,7,8)
 7530-00-286-6173 (2,3)

Paper, Teletypewriter, Roll (IB)

7530-00-223-7966

Paper, Writing (IB)

7530-00-285-5836

Refill, Appointment Book (SH) -
 7530-00-497-1539 (1977)
 7530-01-022-3567 (1978)

Tape, Paper, Computing Machine (IB)
 7530-00-286-9052
 7530-00-222-3455
 7530-00-286-9053
 7530-00-286-9054
 7530-00-238-8352
 7530-00-222-3456
 7530-00-286-9055

CLASS 7690
 Decalcomania (SH)
 NO SMOKING
 7690-00-857-9662
 7690-00-857-9574
 7690-00-857-9700
 7690-00-857-9613
 7690-00-858-3403
 7690-00-858-3365
 7690-00-310-6627
 7690-00-311-7272
 7690-00-328-9517
 7690-00-329-0205
 U. S. ARMY
 7690-00-857-9575
 7690-00-857-9663
 7690-00-857-9614
 Code 600 USPSW
 Code 607 USPSW
 7690-00-311-7276
 7690-00-329-0206
 7690-00-858-3405
 7690-00-858-3366
 7690-00-310-9208
 MAX SPEED
 7690-00-857-9572
 7690-00-857-9660
 Code 633 USPSW
 7690-00-857-9611
 7690-00-857-9698
 7690-00-328-9507
 7690-00-329-0204
 NO RIDERS
 Code 635 USPSW
 7690-00-857-9573
 Code 636 USPSW
 7690-00-857-9612
 7690-00-857-9699
 LIFT HERE
 Code 622-L-USPSW
 FOR OFFICIAL USE ONLY
 7690-00-329-0538
 TP
 Code 669-L-USPSW
 Code 666-L-USPSW
 Code 672-L-USPSW
 Code 667-L-USPSW
 Code 675-L-USPSW
 Code 668-L-USPSW

Decalcomania (SH) cont'd
 NUMBERS AND LETTERS
 7690-----1-1/2"
 7690-----2"
 7690-00-311-7128
 7690-----4"

CLASS 7920
 Broom, Push (IB)
 7920-00-267-2967

Broom, Upright (IB)
 7920-00-292-4371
 7920-00-292-4375
 7920-00-292-4372
 7920-00-291-8305

Broom, Whisk (IB)
 7920-00-240-6350

Brush, Chassis and Running
 Gear (IB)
 7920-00-255-7536

Brush, Cleaning (IB)
 7920-00-281-7009 Tampico Fibers
 Polypropylene
 Fibers

Brush, Dusting (IB)
 7920-00-178-8315

Brush, Floor Sweeping (IB)
 7920-00-238-2442
 7920-00-243-3407
 7920-00-238-2443
 7920-00-292-2363
 7920-00-263-9848
 7920-00-292-2367
 7920-00-292-2366
 7920-00-264-4638
 7920-00-292-2362
 7920-00-292-2365

Brush, Sanitary (IB)
 7920-00-772-5800
 7920-00-234-9317

Brush, Scrub (IB)
 7920-00-240-7174
 7920-00-951-8795
 7920-00-282-2470 Tampico Fibers
 Styrene Fibers
 7920-00-297-1511
 7920-00-324-2746
 7920-00-619-9162
 7920-00-061-0038

Brush, Shoe and Stove (IB)
 7920-00-852-8170

Brush, Wire, Scratch (IB)

7920-00-291-5815
7920-00-282-9246
7920-00-246-8501
7920-00-223-7649

Brush, Wire, Stainless Steel (IB)

7920-00-958-1157

Brush Set, Shoe and Stove (IB)

7920-00-205-0200

Cloth, Polishing (IB)

7920-00-205-1656
7920-00-205-3170
7920-00-664-0103

Handle, Mop (IB)

7920-00-205-1168
7920-00-267-1218
7920-00-205-1167
7920-00-550-9902
7920-00-550-9911
7920-00-550-9912
7920-00-998-2485
7920-00-998-2486
7920-00-851-0140
7920-00-851-0142
7920-00-246-0930
7920-00-205-1170

Handle, Paint Roller (IB)

7920-00-682-6512

Handle, Wood (IB)

7920-00-177-5106
7920-00-141-5452
7920-00-263-0328

Mop, Dusting, Cotton (IB)

7920-00-205-0481
7920-00-205-0483
7920-00-205-0484
7920-00-245-8289

Mop, Wet (IB)

7920-00-224-8726 Mainland
Hawaii

Mop, Wet, Cellulose (IB)

Mop, Complete
7920-00-432-7117
7920-00-728-1167
Sponge Refill
7920-00-471-2876

Mophead, Dusting, Cotton (IB)

7920-00-634-0201
7920-00-267-4921
7920-00-998-2482
7920-00-998-2483
7920-00-998-2484
7920-00-851-0141
7920-00-205-0485
7920-00-205-0487
7920-00-205-0488

Mophead, Wet (IB)

7920-00-205-0425
7920-00-205-0426
7920-00-141-5549
7920-00-171-1148
7920-00-141-5550
7920-00-141-5547
7920-00-141-5548
7920-00-141-5544
7920-00-141-5542
7920-00-245-8290
7920-00-141-5543
7920-00-923-0448
7920-00-141-5541
7920-00-926-5492
7920-00-926-5493
7920-00-926-5494
7920-00-926-5495
7920-00-926-5496
7920-00-926-5497
7920-00-926-5498
7920-00-926-5499
7920-00-926-5500
7920-00-926-5501
7920-00-926-5502
7920-00-926-5503
7920-00-634-0202
7920-00-634-0203

Scraper and Squeegee (IB)

7920-00-045-2556

Sponge, Cellulose (IB)

7920-00-161-6219
7920-00-633-9928
7920-00-240-2559
7920-00-884-1116
7920-00-559-8462
7920-00-559-8463
7920-00-559-8464
7920-00-884-1115
7920-00-633-9905
7920-00-240-2555
7920-00-633-9906

Squeegee (SH)

7920-00-224-8339

CLASS 7930

Detergent, General Purpose (IB)

7930-00-926-5280
7930-00-357-7386
7930-00-068-1669
7930-00-177-5243

Dishwashing Compound, Hand (IB)

7930-00-880-4454
7930-00-899-9534

Wax, Floor (IB)

7930-00-205-2870
7930-00-141-5888
7930-00-205-2871

CLASS 8105	Flag, Signal (IB) cont'd
Bag, Cloth (IB)	8345-00-926-9216
8105-00-282-8183	8345-00-926-9978
	8345-00-926-6804
Bag, Cotton (IB)	8345-00-926-6806
8105-00-183-6981	8345-00-926-9979
8105-00-281-3924	8345-00-926-6807
8105-00-183-6982	8345-00-926-6809
8105-00-179-0089	8345-00-926-9980
8105-00-271-1511	8345-00-926-9219
8105-00-183-6985	8345-00-935-0582
8105-00-174-0836	8345-00-926-9984
8105-00-183-6989	8345-00-926-6003
8105-00-290-3360	8345-00-926-9985
	8345-00-935-0619
Bag, Lunch (SH)	8345-00-935-1839
8105-00-664-3715	8345-00-935-0620
	8345-00-935-0623
Bag, Motion Sickness (IB)	8345-00-935-0409
8105-00-835-7212	8345-00-935-0624
	8345-00-935-0445
CLASS 8115	8345-00-926-6803
Box, Set-Up, Mailing Dental (IB)	8345-00-935-0446
8115-00-511-5750	8345-00-926-6805
	8345-00-935-0447
Box, Wood (SH)	8345-00-926-9987
8115-00-935-6526	8345-00-935-0448
8115-00-935-6527	8345-00-926-6810
8115-00-935-6532	8345-00-926-9988
	8345-00-935-0450
CLASS 8120	8345-00-935-0451
Cap, Compressed Gas Cylinder (IB)	8345-00-935-0453
8120-00-178-9814	8345-00-926-6002
8120-00-179-0076	8345-00-926-6814
	8345-00-935-0436
CLASS 8340	8345-00-935-0437
Pin, Tent, Wood (SH)	8345-00-935-0438
8340-00-261-9750	8345-00-935-0408
8340-00-261-9751	8345-00-935-0441
	8345-00-935-0442
CLASS 8345	8345-00-935-0464
Case, Flag, Interment (IB)	8345-00-935-0465
8345-00-782-3010	8345-00-935-0466
	8345-00-935-0467
Flag, Signal (IB)	8345-00-935-0468
8345-00-935-0588	8345-00-935-0470
8345-00-935-0589	8345-00-935-0471
8345-00-935-0590	8345-00-935-0473
8345-00-935-0591	8345-00-935-0474
8345-00-935-0592	8345-00-935-0475
8345-00-935-0594	8345-00-935-0478
8345-00-935-0595	8345-00-935-0480
8345-00-935-0597	8345-00-935-0483
8345-00-935-0598	8345-00-935-0484
8345-00-935-0599	8345-00-935-0626
8345-00-935-0602	8345-00-935-1838
8345-00-935-0604	8345-00-935-0627
8345-00-935-0607	8345-00-935-0407
8345-00-935-0608	8345-00-935-0630
8345-00-935-0633	8345-00-935-0631
8345-00-935-1840	
8345-00-935-0634	
8345-00-935-0638	
8345-00-935-0639	
8345-00-935-0640	
8345-00-926-9977	

Pennant, Signal, and Special
Flags (IB)

8345-00-935-0420
 8345-00-935-0517
 8345-00-935-4755
 8345-00-825-1847
 8345-00-935-3201
 8345-00-935-4756
 8345-00-935-0522
 8345-00-914-6086
 8345-00-935-4753
 8345-00-935-4754
 8345-00-935-0404
 8345-00-935-0514
 8345-00-825-1868
 8345-00-935-0406
 8345-00-935-0509
 8345-00-926-5988
 8345-00-935-0512
 8345-00-921-4497
 8345-00-935-3199
 8345-00-825-1839
 8345-00-935-0526
 8345-00-914-6076
 8345-00-914-6080
 8345-00-914-6083
 8345-00-935-0524
 8345-00-926-5987
 8345-00-926-5989
 8345-00-935-0539
 8345-00-926-5991
 8345-00-825-1840
 8345-00-935-0521
 8345-00-914-6087
 8345-00-926-6026
 8345-00-935-0403
 8345-00-935-0536
 8345-00-926-9210
 8345-00-926-9213
 8345-00-926-6028
 8345-00-935-0508
 8345-00-935-0519
 8345-00-935-0415
 8345-00-914-6085
 8345-00-926-9215
 8345-00-935-0411
 8345-00-926-9212
 8345-00-914-7411
 8345-00-914-6079
 8345-00-914-6082
 8345-00-935-0523
 8345-00-935-0417
 8345-00-926-5990
 8345-00-935-0421
 8345-00-926-9207
 8345-00-935-0542
 8345-00-935-0520
 8345-00-935-0492
 8345-00-935-0493
 8345-00-926-9214
 8345-00-935-0513
 8345-00-935-0490
 8345-00-935-0495
 8345-00-926-9208
 8345-00-935-0518
 8345-00-935-0511

Pennant, Signal, and Special
Flags (IB) (cont'd)

8345-00-914-6084
 8345-00-935-0405
 8345-00-935-0410
 8345-00-935-0525
 8345-00-914-6075
 8345-00-914-6077
 8345-00-914-6081
 8345-00-935-0419
 8345-00-935-0416
 8345-00-935-0537
 8345-00-935-0538
 8345-00-935-0540
 8345-00-935-0541
 8345-00-926-9211
 8345-00-935-0499
 8345-00-935-0500
 8345-00-935-0501
 8345-00-825-1818
 8345-00-935-0497
 8345-00-935-0504
 8345-00-935-1841
 8345-00-935-0418
 8345-00-825-1819
 8345-00-926-1551
 8345-00-935-0503
 8345-00-935-0534
 8345-00-935-1843
 8345-00-926-1548
 8345-00-926-1549
 8345-00-926-1552

CLASS 8410

Havelock (IB)

8410-00-782-2782 GFM
 8410-01-013-9109 GFM

CLASS 8415

Apron (IB)

Construction Worker's

8415-00-205-3895
 8415-00-257-4290
 8415-00-257-4290
 Food Handling
 8415-00-255-8577
 8415-00-634-0205
 8415-00-051-1173

Band, Helmet, Camouflage (IB)

8415-00-576-2873
 8415-00-576-2873 GFM

Cap, Food Handler's (IB)

Cloth furnished by Government agency

8415-00-234-7677
 8415-00-234-7678
 8415-00-234-7679

Cover, Helmet (IB)

8415-00-105-0605
 8415-00-105-0605 GFM

Traffic Safety Clothing (IB)

See also Class 8465

8415-00-177-4978

8415-00-177-4974

CLASS 8430

Slide Fastener Unit, Laced

Boot (IB)

8430-00-465-1888

8430-00-465-1889

8430-00-465-1890

CLASS 8440

Necktie (IB)

8440-00-926-6604

8440-00-926-4933

8440-00-426-1999

8440-00-216-6130

8440-00-316-2519

8440-00-555-7194

8440-00-926-6604 GFM

8440-00-926-4933 GFM

8440-00-426-1999 GFM

8440-00-216-6130 GFM

8440-00-316-2519 GFM

8440-00-555-7194 GFM

CLASS 8460

Kit Bag, Flyer's (IB)

8460-00-606-8366 GFM

Suitcase, Coated Cloth (SH)

8460-00-391-0502 GFM

CLASS 8465

Bag, Barrack (IB)

8465-00-530-3692

8465-00-530-3692 GFM

Bag, Duffel (IB)

8465-00-265-4928

Bag, Laundry (SH)

8465-00-616-9576 GFM

8465-00-616-9576 CFM

8465-00-656-0816

Bag, Sleeping, Firefighter's (IB)

8465-00-081-0798

Note: IB will furnish
requirements for GSA
Regions 9 & 10 only

Bag, Soiled Clothes (SH)

8465-00-122-3869

Bag, Soiled Clothes, Submarine (IB)

8465-00-762-7671

Nylon duck to be furnished
by ordering office.

Belt, Individual, Equipment,

Nylon, LC-1 (IB)

8465-00-001-6488

8465-00-001-6487

Belt, M.P. (IB)

8465-00-527-8843

Carrier, Intrenching Tool (IB)

8465-00-001-6474

Case, Field, First Aid

Dressing (IB)

8465-00-935-6814

Case, Maintenance Equipment,

Small Arms (IB)

8465-00-781-9564

Clothes Stop (IB)

8465-00-377-5701

Cover, Water Canteen (IB)

8465-00-118-4956

Cover, Water Canteen, Nylon (IB)

8465-00-860-0256

Note: Procurement from IB
is limited to 30% of
the Gov't's annual
requirement.

Pocket, Ammunition Magazine (IB)

8465-00-782-2239 GFM

8465-00-261-4983 GFM

Protector, Trousers, Pistol

Holster (IB)

8465-00-682-6741

Strap, Tie, Mail Carrier's
(IB)

D-1216AX

D-1216BX

D-1216CX

Strap, Webbing, Cargo Tie-Down (IB)

8465-00-001-6477

Traffic Safety Clothing (IB)

See also Class 8415

8465-00-177-4977

8465-00-177-4976

8465-00-177-4975

Whistle, Ball, Plastic (IB)

8465-00-254-8803

CLASS 8470

Neckband, G.T., Helmet Liner (IB)

8470-00-753-6166 GFM

Strap, Soldier's Steel Helmet

M-1 (IB)

8470-00-030-8003

Suspension Assembly, Liner,

Helmet (IB)

8470-00-880-8814

Soap, Toilet (IB)

8520-00-228-0598

8520-00-141-2519

CLASS 8940

Condiment Packet (Dietetic) (IB)

8940-00-177-4958

8940-00-177-4959

8940-00-177-4960

8940-00-177-4961

8940-00-177-4962

8940-00-177-4963

8940-00-935-6416

8940-00-935-6417

8940-00-935-6420

8940-00-935-6421

CLASS 8950

Condiment Packet (IB)

8950-00-935-6408

8950-00-935-6409

8950-00-935-6410

8950-00-935-6411

8950-00-935-6412

8950-00-935-6413

Dining Packet (IB)

8950-00-935-6407

CLASS 9905

Plate, Marking, Blank (SH)

9905-00-473-6336

Tag, Marker (SH)

9905-00-537-8955

9905-00-537-8956

9905-00-537-8957

CLASS 9920

Ash Receiver, Tobacco (IB)

9920-00-682-6757

MILITARY RESALE COMMODITIES

Procedures for ordering military resale commodities are contained in Section 51-5.6, Code of Federal Regulations, Title 41.

STOCK NO.	ITEM NAME	STOCK NO	ITEM NAME
450	Tennis racket (IB)	920	Handle, spring lever (IB)
452	Tennis racket (IB)	922	Applicator, wax (IB)
600	Trowel, transplanter (IB)	923	Mop, block sponge (IB)
601	Trowel, regular (IB)	924	Mop, block sponge (IB)
602	Cultivator (IB)	925	Mop, dusting (IB)
603	Weeder (IB)	926	Mop, stick or yacht, wet (IB)
604	Grass Shears (IB)	928	Mop, cotton, wet (IB)
605	Pruning shears (IB)	932	Refill, wax applicator (IB)
718	Paint roller, 7" (IB)	933	Refill, mop, block sponge (IB)
719	Paint roller, 9" (IB)	934	Refill, sponge (IB)
720	Paint roller cover, 7" (IB)	936	Mophead, viscose and rayon (IB)
721	Paint roller cover, 9" (IB)	937	Mophead, cotton, wet (IB)
722	Paint roller cover, 7" (IB)	941	Cloth, dish (IB)
723	Paint roller cover, 9" (IB)	944	Scrubber, (IB)
724	Paint roller cover, 7" (IB)	945	Towel, kitchen (IB)
725	Paint roller cover, 9" (IB)	946	Potholder (IB)
726	Paint roller cover, 7" (IB)	949	Mitt, oven (IB)
727	Paint roller cover, 9" (IB)	950	Mop, dish and bottle (IB)
728	Paint roller cover, 7" (IB)	951	Mop, glassware and dishware (IB)
729	Paint roller cover, 9" (IB)	952	Brush, percolator (IB)
730	Paint roller cover, 9" (IB)	954	Scrubber, nylon (IB)
731	Paint roller cover, 7" (IB)	955	Brush, vegetable (IB)
732	Paint roller cover, 7" (IB)	956	Brush, bottle (IB)
733	Paint roller cover, 9" (IB)	957	Brush, dish and pan (IB)
735	Trimmer, paint roller, 3" (IB)	959	Brush, pastry and basting (IB)
736	Refill, trimmer, 3" (IB)	962	Cover and pad set, ironing board (IB)
902	Pushbroom, Indoor/Outdoor (IB)	963	Scrubber, plastic (IB)
903	Broom, Parlor (IB)	964	Cover, ironing board (IB)
904	Broom, corn (IB)	969	Cover, ironing board (IB)
905	Broom, plastic filament (IB)	970	Bag, washing machine (IB)
907	Broom, plastic, angle-cut (IB)	974	Clothesline, plastic (IB)
909	Broom, whisk (IB)	980	Cloth, all-purpose (IB)
910	Broom, whisk (IB)	983	Cloth, polishing (IB)
911	Brush, floor with handle (IB)	986	Cloth, wash (IB)
913	Brush, lint (IB)	988	Opener, pour and store set (IB)
914	Brush, Barbecue (IB)	993	Sponge, body (IB)
915	Brush, counter (IB)	994	Swatter, fly (IB)
916	Brush, sanitary (IB)	995	Dustpan (IB)
918	Brush, scrubbing (IB)	998	Dish, plastic, pet (IB)
919	Brush, scrubbing (IB)	999	Dish, plastic, pet (IB)

NOTICES

SERVICES

These services are identified by industrial group number as provided in the Standard Industrial Classification Manual prepared by the Technical Committee on Industrial Classification, Statistical Policy Division, Office of Management and Budget.

SIC 0782

GROUNDS MAINTENANCE

Edwards Air Force Base, California (SH)
Federal Aviation Administration, Leesburg, Virginia (SH)
Fort Lawton, Washington (SH)
Fort Ord, California (SH)
Naval Air Station, Whidbey Island, Washington (SH)
Special Training Building and Complex, U S Secret Service, Beltsville, Maryland (SH)
State Line Park, West Point, Georgia (SH)

SIC 7211

LAUNDERING OF WOOL BLANKETS

Naval Administrative Command Supply Depot, Great Lakes, Illinois (SH)

SIC 7218

LAUNDRY SERVICE

Fort Detrick, Maryland (SH)
Naval Training Center, Great Lakes, Illinois (SH)

SIC 7331

MAILING SERVICE

Consumer Product Safety Commission, Washington, D.C. (SH)
Library of Congress, Washington, D.C. (SH)
President's Committee on Employment of the Handicapped, Washington, D.C. (SH)
U S Coast Guard Academy, New London, Connecticut (SH)
U S Department of Agriculture, Washington, D.C. (D C metropolitan area only, excluding Foreign Agriculture Services, Management Services Division) (SH)
U S Department of HEW, for following offices only:
Alcohol, Drug Abuse, and Mental Health Administration, Rockville, Maryland (SH)
Center for Disease Control, Bethesda, Maryland (SH)
Food and Drug Administration, Rockville, Maryland (SH)
Health Resources Administration, Rockville, Maryland (SH)
Health Services Administration, Rockville, Maryland (SH)
National Institutes of Health, Bethesda, Maryland (SH)
Office of Assistant Secretary for Health, Rockville, Maryland (SH)
Office of the Secretary, Washington, D.C. (SH)
U S Department of HUD, Washington, D.C. (SH)
U S Department of Labor, Manpower Administration, Washington, D.C. (SH)
U S Department of Labor, 200 Constitution Avenue, Washington, D.C. (SH)

SIC 7349

JANITORIAL/CUSTODIAL SERVICE

Bureau of Land Management District Building, Roseburg, Oregon (SH)
Federal Building and Courthouse, Lincoln, Nebraska (SH)
Federal Building, Manchester, New Hampshire (SH)
Federal Building, Muskogee, Oklahoma (SH)
Homestead Air Force Base, Florida, Dental Clinic (Building 686), Hospital (Building 990) (SH)
Naval Air Station, Buildings 243, 374, 375, 376, 377, 380, 381 and 2551, Whidbey Island, Oak Harbor, Washington (SH)

JANITORIAL/CUSTODIAL SERVICE (Continued)

National Marine Fisheries Complex, 2725 Montlake Boulevard East, Seattle, Washington, for the West, Central, East and Pilot Plant Buildings and Behaviour Laboratory (SH)
Social Security Administration District Office Building, Watertown, New York (SH)
U. S Army Reserve Center, Camp Drum, Watertown, New York (SH)
U. S Courthouse and Federal Building, Rapid City, South Dakota (SH)

SIC 7369

FOOD SERVICE ATTENDANT SERVICES

Seneca Army Depot, Romulus, New York (SH)

SIC 7374

KEYPUNCH AND VERIFICATION

GSA Region 2, Federal Data Processing Division overflow requirements (SH)
Thirty percent of overflow requirements for Interstate Commerce Commission, Washington, D.C. (SH)

SIC 7395

FILM DEVELOPING

Photographic Processing for the GSA Self-Service Store #60, Denver Federal Center, Denver, Colorado (IB)

SIC 7399

ASSEMBLY

#Belt, Trousers (IB)
#Food Packet, Isolated Site (8 menus) (IB)
#Food Packet, Survival, Abandon Ship (IB) (8970-00-299-1395)
TPK-1 (Regular packing)
TPK-2 (Weather-resistant packing)
#Food Packet, Survival, General Purpose, Individual (8970-00-082-5665) (IB)

SEWING SERVICE

Redstone Arsenal, Alabama (Provides specified end items produced through use of customized, heavy-duty sewing service) (SH)

SIC 7641

FURNITURE REHABILITATION

Cleveland, Ohio plus 25 mile radius (SH)
Counties of Alameda, Contra Costa, San Mateo, Santa Clara, and the City of San Francisco, California (SH)
Eielson, Air Force Base, Alaska (SH)
Fairbanks, Alaska plus 30 mile radius (SH)
Lackland Air Force Base and Randolph Air Force Base, San Antonio, Texas (SH)
Long Beach, California plus 100 mile radius, excluding San Diego County and San Clemente (SH)
Monterey, California, plus 10 mile radius, including Fort Ord (SH)
Rickenbacker Air Force Base (Lockbourne Air Force Base), Columbus, Ohio (SH)
Sacramento, California plus 60 mile radius, excluding San Joaquin County (SH)
Seattle, Washington plus 30 mile radius (SH)
Spokane, Washington plus 30 mile radius from city limits (SH)
Tacoma-Auburn, Washington plus 30 mile radius, including McChord Air Force Base and Fort Lewis (SH)
Wright-Patterson Air Force Base, Dayton, Ohio (SH)

#---All Government requirements.

METAL FURNITURE REHABILITATION

Bremerton, Washington plus 13 mile radius (SH)
Olympia, Washington plus 13 mile radius (SH)
Seattle, Washington plus 13 mile radius (SH)
Tacoma, Washington, including McChord Air Force Base and Fort Lewis plus 13 mile radius (SH)

SIC 7699

MATTRESS AND BOX SPRING REHABILITATION (IB)

Orders for renovated mattresses may be arranged through GSA Regional offices.
IB will provide requirements for mattress and box spring renovation for GSA Regions 2, 3, 4, 5, 6, and 7 only

REPAIR AND MAINTENANCE OF ADDING MACHINES AND CALCULATORS

U S Customs, 6 World Trade Center, New York, New York (SH)
26 Federal Plaza, New York, New York (SH)
32 Old Slip, New York, New York (SH)
1515 Broadway, New York, New York (SH)

REPAIR AND MAINTENANCE OF ELECTRIC AND MANUAL TYPEWRITERS

Federal Courthouse Building, Syracuse, New York (Manual only) (SH)
Syracuse, New York (including Onondaga County), (Electric only) (SH)
U S Customs, 6 World Trade Center, New York, New York (SH)
U S Customs, Milwaukee, Wisconsin (SH)
U S Federal Office Building, Milwaukee, Wisconsin (SH)
U S Post Office, Milwaukee, Wisconsin (SH)
Veterans Administration Center and Hospital, Wood, Wisconsin (SH)
Veterans Administration Regional Office, Milwaukee, Wisconsin (SH)
26 Federal Plaza, New York, New York (SH)
32 Old Slip, New York, New York (SH)
1515 Broadway, New York, New York (SH)

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